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CHARTER

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AND

ORDINANCES

OF THE

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BOROUGH OF CARLISLE,

TO WHICH ARE PREFIXED

INCIDENTS OF THE EARLY HISTORY OF THE TOWN, WITH A SUC-
CINCT NOTICE OF ITS PRESENT CONDITION.

Library of Congress.
1867
City of Washington.

Carlisle.

PRINTED AT THE HERALD OFFICE.

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1841.
w3.

Black lines designate the present
boundaries of the Borough.



Bought by the Proprietaries
at & near the Town of

A. 251, 134	<i>All 2 Bo^{ts} from W^m Gillingham.</i>
B. 352 ³ / ₄	" " " <i>P & W Davidson.</i>
C. 380 ¹ / ₂	" " " <i>Jn^o M^o Clure, Bp.</i>
D. 274	" " " <i>Jos. Clark.</i>
E. 249 ¹ / ₂	" " " <i>Peter Wilkie.</i>
F. 255	" " " <i>Jas Kilgore.</i>

1743.94 Acres and allowance.



Lith. of T. Sinclair 79 S. Third St. Phil^a

INCIDENTS

OF THE EARLY HISTORY OF CARLISLE, WITH A BRIEF NOTICE
OF ITS PRESENT CONDITION.

THE present county of Cumberland is embraced in the purchase by John, Richard and Thomas Penn, of all the lands west of the Susquehanna, "to the setting sun," and extending from the mouth of the same river northward as far as the *Tayamentasackta** hills. This purchase was confirmed to the Penns, by deed from the Indians of the Five Nations, on the 11th of October, 1736.

The county was erected by act of Assembly early in 1750, and included all that portion of the then Province of Pennsylvania, bounded by the Susquehanna, York county, South Mountain and north and west lines of the Province. It then contained 807 taxable inhabitants, and was represented the same year in the Assembly at Philadelphia, by *Joseph Armstrong* and *Hermanus Alricks*. Immediately after the county was established, Commissioners were appointed from York and Cumberland counties to locate the division line. The York county Commissioners were desirous to make Yellow Breeches creek the common boundary, but to this the Commissioners of Cumberland would not accede, and the result was that the York Commissioners refused to run the line. They of Cumberland, however, did it themselves, and reported to the Assembly that they had begun "at the mouth of the *Swahatara* on *Susquehanna* river, and then took the courses and distances along the highest ridge of the mountain, without crossing any running water, till they struck the middle of the body of the South Mountain at *James Caruthers's* plantation." Their report was accompanied with a "true draught," and a prayer that the line run by them might be confirmed, averring that the draught laid before the House by the York Commissioners was "imaginary and altogether false," and that to make Yellow Breeches the line, would "cut off a great part of the *North*

* So called by the Five Nations, by the Delaware Indians *Kekachtanamin*, and by the settlers the Blue Mountains.

Valley, reduce it to a point at the *Susquehanna*, and make the county quite irregular." By an act of Assembly, passed February 9, 1751, the difficulty was settled, and the present dividing line of the two counties explained and ascertained. The territory of Cumberland was afterwards curtailed by the erection of Bedford in 1771, of Northumberland in 1772, of Franklin in 1784, of Mifflin in 1789, and of Perry in 1820.

The Court of Common Pleas and the Criminal Courts were first held at Shippensburg,* but were removed to Carlisle in 1751 after the town was laid out. The Orphans' Court, during the years 1750 and 1751, was not fixed to any certain place, but seems to have followed the persons of the Judges. At one time it was held at "William Anderson's," another time at "Antrim," sometimes at "Shippensburg," and then again at "Peter's Town."

In 1751, the Commissioners and Assessors of Cumberland county, in behalf of "the far greater part of the inhabitants," presented a petition to the Assembly, representing that the Trustees, in pursuance of the act of Assembly erecting the county, had made return to the Governor of a place at a branch of *Connogochiego* creek, eight miles from Shippensburg, on the great road to Virginia, praying the location of a court house and prison there, and submitting Shippensburg to the Governor's choice, which they were fully persuaded would have quieted the whole county, though it was *north east* of the centre; yet that it had pleased the Governor to remove the courts of justice to Le Tort's spring, almost at one end of the county; and asking the Assembly to take into consideration their grievances, the Governor, though repeatedly applied to,

* The following is a literal copy of the first record in the Court of Quarter Sessions:—

At a Court of General Quarter Sessions of the Peace held at Shippensburg for the County of Cumberland the twenty-fourth day of July in the twenty-fourth year of the Reign of his Majesty King GEORGE the Second Annoq. Dom. 1750,

Before Samuel Smith Esquire and his Bretheren Keepers of the Peace of our said Lord the King and his Justices assign'd to hear and determine divers Felonies Trespasses &c,

Dominus Rex vs Bridget Hagen	}	Sur Indictmt. for Larceny, not guilty & now ye deft ret her pl and submits to ye Ct. And thereupon it is considered by the Court and Ad- judged that ye sd Bridget Hagen Restore the sum of Six pounds seventeen shillings & sixpence lawfull money of Penna unto Jacob Long ye owner and make fine to ye Governor in ye like sum and pay ye costs of prosecution & receive fifteen Lashes on her bare back at ye Public Whipping post & stand committed till ye fine & fees are paid.
---	---	---

having refused them redress. They alleged that it would always impoverish them to carry and expend their money at the extremity of the county, whence it would never circulate back again; that neither the interests of the Proprietaries nor the prosperity of the town of Carlisle would be advanced by changing the seat of justice, and that no good wagon road could be made across the North Mountain "until beyond Shippensburg up the valley."

Several citizens of the eastern end of the county, on the other hand, denied, in a written communication to the Assembly, that no good road could be made over the mountain "from Shippensburg downwards," for that they had "in company with Daniel Williams, their representative, viewed and considered the Gap called Stevens's," and were satisfied that as the whole ascent was but sixty or seventy perches, "by traversing it once or twice, ordinary wagons might have an easy passage over it."

The Governor, on his part, directed his Secretary to say to the Assembly that he "never saw any paper from the Cumberland Trustees, such as referred to by the petitioners, and therefore admires at the boldness of the petitioners who must have asserted that fact upon hearsay." Here this controversy tripartite seems to have terminated, and the courts remained at "Le Tort's spring," whither the Governor had removed them.

The settlers at that early day had but little regard to the quality of the soil upon which they located, if they could but fix their habitations near to running water. A number of them, therefore, settled near Sherman's creek upon lands not at that time purchased from the natives. In 1750, Richard Peters, taking with him his Majesty's magistrates of Cumberland, and the celebrated *Conrad Weiser*, dispossessed several families who had there built cabins. Their dwellings were burned to the ground, and the trespassers held in recognizances to appear and answer at the next Court of Quarter Sessions at Shippensburg; and also bound in bonds to the Proprietaries to remove immediately with their cattle and effects.

The town of Carlisle was laid out in 1751, in pursuance of the following letter of instructions. By direction of the Pro-

prietaries, a re-survey of the town and lands adjacent was made by Colonel *Armstrong* in 1762.

“INSTRUCTIONS

“To Nicholas Scull, Esquire, Surveyor General, which will serve likewise for Mr. Cookson.

“Several places having been recommended to me since the erection of the new County of Cumberland over the River *Susquehanna*, for the Situation of the County town, I have taken time to give them all a just consideration with their respective conveniences and inconveniences, and at length I determined to place the Town somewhere on the Waters issuing from *Le Tort’s Spring* into the River *Conedogwinet*, as well because it is the nearest situation to the Centre of the County on the East side that will admit of proper supplies of good water, meadow, pasture, timber, stone, lime and other necessities and conveniences for such a Town, as that it answers best to the paths over the *Blue Hills*, to the two large Rivers of *Conedogwinet* and *Yellow Breeches* running in its neighborhood into the *Susquehanna*, and to the trade, both with the Indians and with the City of *Philadelphia*, as that there is said to be about it a wholesome, dry, limestone Soil, good air, and abundance of vacant land well covered with a variety of Wood. Having come to this resolve, I ordered *Mr. Cookson* to purchase such plantations on this spring as would give the most healthy and commodious Situation, and being informed by him that the purchases are finished, and that he waits there for my further orders, I have thought proper to dispatch you to him, that you may assist him in finding out the properest place for the site of the Town, and in doing this I give it both of you in charge to take into your consideration the following matters, viz : the Health of the Citizens, the goodness and plenty of water, with the easiest method of coming at it, its Commodiousness to the great road leading from *Harris’s Ferry* to the *Potowmac*, and to other necessary Roads as well into the neighboring County, as over the Passes in the *Blue Mountains*.

“When you have examined the Country about this place, so as to consult these necessary points in the best manner possible, then you may proceed to mark the place of the Centre and the outlines, conforming yourselves in all things to the Proprietaries plan and Instructions herewith delivered to you, but in doing

this you are to have a special regard to the Situation of the Proprietary Lands, so as that upon the Encrease of the Town, the Lots may all be within Lands belonging to the Proprietaries, and the Roads to the Town pass thro' them in the most advantageous manner; and to the end that I may form my own Judgment of this, you are not absolutely to fix or publish any particular place, but to lay down on a draught the Scite, as in your Judgment of the Town, with the Proprietary Lands and places contiguous, the Courses of the Creek, of the great road, as it goes from the ferry to Shippensburg, and other necessary Roads, the courses and distance of the River Conedogwinet, and Yellow Breeches, together with the quality of the Soil, at and near the Town, and between it and those Rivers.

“You are likewise to survey what other vacant Lands there are within five miles of the Town for the use of the Proprietaries on your General Warrant, as I am informed by them that the Surveyors have strangely neglected their Interest in this County.

“When you have finished this Business, you and Mr. Cookson are to proceed to the Town of York, and as there is great confusion amongst the People there, you are to use your utmost endeavors, to regulate all matters relating to the Lots taken or built on there, and what cannot be done by you on the spot, you are to report to me, that I may determine and give the proper instructions, and in this you are likewise to consider and conform to the Proprietary Instructions herewith delivered relating to the Town of York.

“April 1, 1751, at Philadelphia.

“JAMES HAMILTON.”

When the town was first located, it extended no further than the present North, South, East and West streets. All the surrounding country now within the borough limits was purchased back by Mr. Cookson from the settlers, for the Proprietaries, and was designed as commons. Subsequently, however, principally in the years 1798, 1799, and 1800, the “additional lots” and “out lots” were laid out and sold to the citizens, but not without the remonstrance of a number of the inhabitants, who held a town meeting on the subject, and declared that the original lots had been purchased from the Proprietaries upon a condition verbally expressed, that the Proprietaries’ lands ad-

joining the town should remain commons forever for the benefit of the poor. Because of this dissatisfaction, the payment of quit-rents, which had been annually collected by the agents of the Penns, was interrupted for many years, and eventually their recovery was judiciously determined to be barred by lapse of time.

The first tax upon the citizens of Carlisle, of which we have any account, was laid in December, 1752, and amounted to £25. 9s. 6d.

In October, 1753, a treaty of "amity and friendship" was held at Carlisle with the Ohio Indians, by Benjamin Franklin, Isaac Morris, and William Peters, Commissioners. The expenses of this treaty, including presents to the Indians, amounted to fourteen hundred pounds.

Shortly after this period, a dispute arose between the Governor and Council, and the Assembly, on the subject of a complaint made by the *Shawanese* Indians, that the Proprietary Government had surveyed all the lands on the Conodoguinet into a manor, and driven them from their hunting-ground, without a purchase, and contrary to treaty. It was said by the Assembly that when the treaty was held at Carlisle, *Big Beaver*, a *Shawanese* chief, made a speech to the Commissioners, asserting the right of his tribe to the lands on the Conodoguinet, and complaining of the conduct of the Governor. By the Governor and Council it was alleged that no such thing had occurred, and that at a treaty held in 1754, the same *Shawanese* chiefs, who were at Carlisle the year before, made the "strongest professions of their friendship" without any complaint "on account of the same tract of land." They alleged, too, that the *Shawanese* never had any claim to the Conodoguinet lands; for that "they were Southern Indians, who being rendered uneasy by their neighbors," had settled on these lands in 1698, with the permission of the *Susquehanna* Indians and the Proprietary, *William Penn*.

No compensation being made to the *Shawanese*, they removed northward, and finally put themselves under the protection of the French, in league with whom they were especially distinguished for their hostility to the Colonists. In more recent times, this tribe, under their famous chief Tecumthe, seem not to have forgotten their former animosities.

Governor Hamilton, in May, 1753, despatched to Carlisle John O'Neal, for the purpose of repairing the fortifications. The following extract from his report to the Governor, possesses interest:

“ *Carlisle, 27th May, 1753.*”

“The Garrison here consists only of twelve men. The Stockade originally occupied two acres of ground square, with a block-house in each corner,—these buildings are now in ruin. Carlisle has been recently laid out, and is the established seat of justice. It is the general opinion that a number of log cabins will be erected during the ensuing summer on speculation, in which some accommodation can be had for the new levies. The number of dwelling-houses is five. The Court is at present held in a temporary log building, on the north east corner of the centre square. If the lots were clear of the brush wood, it would give a different aspect to the town. The situation, however, is handsome, in the centre of a valley, with a mountain bounding it on the North and South at a distance of seven miles. The wood consists principally of oak and hickory. The limestone will be of great advantage to the future settlers, being in abundance. A lime kiln stands on the centre square, near what is called the deep quarry, from which is obtained good building stone. A large stream of water runs about two miles from the village, which may at a future period be rendered navigable. A fine spring runs to the east, called *Le Tort*, after the Indian interpreter who settled on its head about the year 1720. The Indian wigwams in the vicinity of the *Great Beaver Pond*, are to me an object of particular curiosity.”

In the same year, 1753, another “stockade” of very curious construction was erected, whose western gate was in High street, between Hanover and Pitt streets, opposite lot number one hundred. This fortification was thus constructed. Oak logs about seventeen feet in length, were set upright in a ditch dug to the depth of four feet. Each log was about twelve inches in diameter. In the interior were platforms made of clapboards, and raised four or five feet from the ground. Upon these the men stood and fired through loop-holes. At each corner was a swivel gun which was occasionally fired “to let the Indians know that such kind of guns were within.”

Three wells were sunk within the line of the fortress, one of

which was on lot number one hundred and twenty-five; another on the line between lots numbered one hundred and nine and one hundred and seventeen; and the third on the line between lots numbered one hundred and twenty-four and one hundred and sixteen. This last was for many years known as the "King's Well." Within this fort, called "Fort Louthier," women and children from Green Spring and the country around, often sought protection from the tomahawk of the savage. Its force, in 1755, consisted of fifty men, and that of Fort Franklin, at Shippensburg, of the same number. At a somewhat later day, or perhaps about the same time, breastworks were erected a little north east of the town—as it was then limited—by Colonel Stanwix, some remains of which still exist.

In the year 1755, instructions were given by the Proprietaries to their agents, that they should take especial care to encourage the emigration of Irishmen to Cumberland county. It was their desire to people York with Germans and Cumberland with Irish. The mingling of the two nations in Lancaster county had produced serious riots at elections.

In those primitive times, because of a sparse population, elections were not very regular, but difficulties in these cases were settled in a summary manner, and at much less expense than in this *intelligent* age, for in 1756 when William Allen, was returned a member of the Assembly for two counties, Cumberland and Northampton, he was merely requested by the Speaker to name the county for which he would sit, as he could not serve for both. He chose Cumberland, and a new election was ordered for Northampton.

The first weekly post between Philadelphia and Carlisle was established in 1757, intended the better to enable his honor the Governor and the Assembly to communicate with his Majesty's subjects on the frontier.

The town of Carlisle, in 1760, was made the scene of a barbarous murder. *Doctor John*, a friendly Indian of the Delaware tribe, was massacred, together with his wife and two children. Captain Callender, who was one of the inquest, was sent for by the Assembly, and, after interrogating him on the subject, they offered a reward of one hundred pounds for the apprehension of each person concerned in the murder.

The excitement occasioned by the assassination of Doctor John's family was immense, for it was feared that the Indians might seek to avenge the murder on the settlers. About noon day, on the 4th of July, 1763, one of a party of horsemen, who were seen rapidly riding through the town, stopped a moment to quench his thirst, and communicated the information that Presque Isle, Le Beuf, and Venango had been captured by the French and Indians. The greatest alarm spread among the citizens of the town and neighboring country. The roads were crowded in a little while with women and children, hastening to Lancaster for safety. The pastor of the Episcopal church headed his congregation, encouraging them on the way. Some retired to the breastworks. Colonel Boquet, in a letter addressed to the Governor, dated the day previous, at Carlisle, urged the propriety of the people of York assisting in building the posts here, and "sowing the harvest," as *their* county was protected by Cumberland.

The terror of the citizens subsided but little, until Colonel Boquet conquered the Indians in the following year, 1764, and compelled them to sue for peace. One of the conditions upon which peace was granted, was that the Indians should deliver up all the women and children whom they had taken into captivity. Among them were many who had been seized when very young, and had grown up to womanhood in the wigwam of the savage. They had contracted the wild habits of their captors, learned their language and forgotten their own, and were bound to them by ties of the strongest affection. Many a mother found a lost child; many were unable to designate their children. The separation between the Indians and their prisoners was heart-rending. The hardy son of the forest shed torrents of tears, and every captive left the wigwam with reluctance. Some afterwards made their escape, and returned to the Indians. Many had intermarried with the natives, but all left to freedom of choice, and those who remained unmarried had been treated with delicacy. One female, who had been captured at the age of fourteen, had become the wife of an Indian, and the mother of several children. When informed that she was about to be delivered to her parents, her grief could not be alleviated. "Can I," said she, "enter my parents'

dwelling? Will they be kind to my children? Will my old companions associate with the wife of an Indian chief? And my husband, who has been so kind—I will not desert him!” That night she fled from the camp to her husband and children.

A great number of the restored prisoners were brought to Carlisle, and Colonel Boquet advertised for those who had lost children to come here and look for them. Among those that came was an old woman, whose child, a little girl, had been taken from her several years before; but she was unable to designate her daughter or converse with the released captives. With breaking heart, the old woman lamented to Col. Boquet her hapless lot, telling him how she used many years ago to sing to her little daughter a hymn of which the child was so fond. She was requested by the Colonel to sing it then, which she did in these words:

“ Alone, yet not alone am I,
Though in this solitude so drear;
I feel my Saviour always nigh,
He comes my every hour to cheer,”

and the long-lost daughter rushed into the arms of her mother.

Quietude being secured to the citizens by the termination of the Indian war, they directed their attention to the improvement of their village and the cultivation of the soil. No important public event disturbed them in their peaceful occupations, until the disputes which preceded the war of the Revolution arose between the Colonies and the Mother country. The tyrannical sway of the British sceptre over the Colonists, found but few advocates among the inhabitants of Carlisle, and when a resort to warfare became necessary, many of them unhesitatingly obeyed their country’s call, and bore arms in her defence.

During the war, Carlisle was made an important place of rendezvous for the American troops; and in consequence of being located at a distance from the theatre of war, British prisoners were frequently sent hither for secure confinement.

Of these were two officers, Major Andre and Lieutenant Despard, who had been taken by Montgomery near Lake Champlain. While here, in 1776, they occupied the stone-house on lot number one hundred and sixty-one, at the corner of South Hanover street and Locust Alley, and were on a parole

of honor of six miles; but were prohibited going out of the town except in military dress.

In the immediate neighborhood lived Mrs. Ramsey, an unflinching whig, who detected two tories in conversation with these officers, and immediately made known the circumstance to William Brown, Esq., one of the county committee. The tories, being pursued, were arrested somewhere between the town and South Mountain, brought back, tried *instanter*, and imprisoned. Upon their persons were discovered letters written in French; but no one could be found to interpret them, and their contents were never known.

After this occurrence, Andre and Despard were not allowed to leave the town. They had in their possession fowling pieces of superior workmanship, with which they had been in the habit of pursuing game within the limits of their parole; but now, being unable to use them, they broke them to pieces, declaring that "no d—d rebel should ever burn powder in them." During their confinement here, a man by name Thompson, enlisted a company of militia in what is now Perry county, and marched them to Carlisle. Eager to make a display of his own bravery and that of his recruits, he drew up his soldiers at night in front of the house of Andre and his companion, and swore lustily that he would have their lives, because, as he alleged, the Americans who were prisoners of war in the hands of the British, were dying by starvation. Through the importunities, however, of Mrs. Ramsey, Captain Thompson, who had formerly been an apprentice to her husband, was made to desist; and as he countermarched his company, with a menacing nod of the head he bellowed to the objects of his wrath, "you may thank my old mistress for your lives."

On the following morning, Mrs. Ramsey received from the British officers a very polite note, expressing their gratitude to her for saving them from the hacking sword of the redoubtable Captain Thompson. They were afterwards removed to York, but before their departure, sent to Mrs. Ramsey a box of spermaceti candles, with a note requesting her acceptance of the donation, as an acknowledgment of her many acts of kindness. The present was declined, Mrs. Ramsey averring that she was too staunch a whig to accept a gratuity from a British officer. Despard was executed at London in 1803, for high treason. With the fate of the unfortunate Andre, every one is familiar.

The town of Carlisle was incorporated, and its present boundaries fixed, by an act of Assembly, passed the 13th of April, 1782; but the charter was supplied by a new enactment of the 4th of March, 1814. Under the old charter, the style of the corporation was "The Burgesses and Inhabitants of the town of Carlisle." Having no Council, all corporate business was transacted in town meeting. The early borough records are somewhat imperfect, and the affairs of the Corporation appear to have been loosely managed. When the yellow fever, however, in 1793, was committing its ravages in Philadelphia, there was no lack of active exertion, by the inhabitants of Carlisle, to keep from amongst them the scourges of the epidemic.

An ordinance of the 18th of September of that year, enacted that no inhabitant should receive into his house or family any sick person from Philadelphia or elsewhere, until after examination by a physician of the borough, and a certificate from him that such person was "not infected." Men were employed to guard the passes from Philadelphia, and stop all wagons entering the town, conducting them past the borough "by the commons." A tent was authorized to be erected at a distance from the borough, for the reception of individuals supposed to be infected.

The funeral bell was ordered not to be tolled, lest it might alarm the sick, and an unfortunate negro, who had arrived in town from Philadelphia, despite the vigilance of the citizens, and which he eluded for two days, had a reward of ten dollars offered for his apprehension, that his body might be secured and his clothing burned.

The inhabitants were at the same time suffering under a disease which they termed the "*March miasmata*," and the prevalence of which they attributed to the unhealthy condition of Le Tort's spring. Tan-yards and mills were attacked, dams declared public nuisances and razed, and the channel of the spring dragged and cleansed, to remove the stagnant water from the adjoining low grounds and prevent its future accumulation. The fever in Philadelphia, and the *miasma* here, shortly afterwards subsided, and with them the terror and excitement of the people of Carlisle.

In 1794, the army raised to quell the whiskey insurrectionists in the West, rendezvoused at Carlisle. General Washington

was with them here for some time, and had his quarters in the southern dwelling on lot numbered one hundred and sixty-nine.

On the breaking out of the war of 1812, the citizens of Carlisle showed a commendable zeal in volunteering for the defence of their country. Four fine companies were soon raised. The "*Carlisle Light Infantry*," under Captain William Alexander, and a Rifle company, under Captain George Hendel, served a tour of six months on the northern frontier. The "*Carlisle Guards*," under Captain Joseph Halbert, marched to Philadelphia, and the "*Patriotic Blues*," under Captain Jacob Squier, were, for some time, in the intrenchments at Baltimore.

Nothing of public interest has since occurred in this "ancient borough," which is thought worthy of particular remark.



The Borough of Carlisle is situated in latitude 40° 12' N., longitude 77° 10' W., eighteen miles south west of Harrisburg and one hundred and eighteen from Philadelphia. The streets are rectangular, and are all sixty feet wide, except HIGH and HANOVER, which are in breadth eighty feet.

The lots are sixty feet in front and two hundred and forty feet in depth, excepting those on Le Tort's spring, the depths of which are regulated by its various courses.

POPULATION IN 1840.

White	males,	2046
"	females,	1989
		——4035
Colored	males,	138
"	females,	177
		—— 315
		——
Total,		4350

The town and adjacent country are healthy and well watered. Le Tort's spring runs along the eastern side of the town. It has its source two miles South, and empties into the Conodoguinet about three miles north east of the borough. Trees have re-

cently been planted in the centre square, which in a few years will add much to the beauty of the place. Through HIGH STREET runs the Cumberland Valley rail road.

The public buildings are, Court-house and county offices, Gaol, Market-house, Town-hall, two Common School buildings, Dickinson College and Institute, two Presbyterian churches, St. John's Protestant Episcopal church, German Reformed church, Lutheran church, Methodist Episcopal church, Roman Catholic church, Associate Presbyterian church, three African churches, Banking-house, and United States Barracks.

COURT HOUSE.

The Court House, an old-fashioned brick building, situated on the south west part of the centre square, was erected about the year 1766. The adjoining building, also brick, occupied by the county officers, was put up at a much later day. The cupola and clock were not added until 1809. Before the erection of the court house, the courts were held in a small log tenement on that part of the public square upon which now stands St. John's church.

THE GAOL,

Is a stone building, standing upon the north west corner of High and Bedford streets. It was erected about 1754, and enlarged in 1790. The citizens of Cumberland county petitioned the Assembly in 1755 for aid to complete the prison, but their application seems to have received no further notice from the honorable members than an order "to lie on the table." In 1754, stocks and a pillory were also erected on the square, and remained until that inhuman method of punishment was abolished. Some of our old citizens yet remember having seen the ears of "cropped" culprits nailed to the pillory.

THE MARKET HOUSE,

Located on the south east corner of the centre square, was built in 1837, and is the third building of the kind which has been erected in the town since its incorporation. On the same part of the square was in olden time the celebrated "Deep Quarry."

THE TOWN HALL,

Built of brick, stands near to the court house. In it are held the regular meetings of Council. Its lower floor is appropriated to the preservation of the apparatus belonging to the Fire Companies. Erected in 1821.

SCHOOL BUILDINGS.

One of these, a large brick building on Church alley, was formerly the house of worship of the Methodist Episcopal congregation, by whom it was conveyed to the "Society of Equal Rights," and by the society to the School Directors. It accommodates on the lower floor three schools. The upper is appropriated to exhibitions, lectures, and other public uses. The other building is on Liberty alley, and was formerly used as a college. It was recently purchased by the School Directors, and accommodates four schools.

The common school system is in full operation in Carlisle. The whole number of schools is fifteen, in which are taught about eight hundred scholars, at an annual expense of not less than four thousand dollars. The schools constitute a progressive series, in which "the branches are taught from the alphabet to the higher studies of an English education."

COLLEGE AND INSTITUTE.

The original charter of the institution was granted by the Legislature of Pennsylvania, in 1783. By that instrument it was determined—"that in memory of the great and important services rendered to his country, by his Excellency, John Dickinson, Esquire, President of the Supreme Executive Council, and in commemoration of his very liberal donation to the institution, the said college, shall be forever hereafter called and known by the name of Dickinson College."

The Faculty was first organized in 1784, by the election of the Rev. Charles Nisbet, D. D., of Montrose, Scotland, as President, and the appointment of Mr. James Ross, as Professor of Languages; to whom were added in the following year, the Rev. Robert Davidson, D. D., as Professor of Belles Lettres, and Mr. Robert Johnston, Instructor in Mathematics. The college, under the administration of Dr. Nisbet, flourished, as much perhaps, as the times would allow.

In 1798, the spot now occupied by the college buildings, between High and Louthier streets and west of West street, was selected, and the first edifice erected and ready for use in 1802. This edifice was destroyed by fire in 1804, but the trustees proceeded to erect another, which was completed in September, 1805, and is now known as the west college. Before the completion of this building, the college sustained a heavy loss in the death of Dr. Nisbet, which occurred on the 14th of February, 1804. The office of President was exercised *pro tempore* by Dr. Davidson, until, in 1809, the Rev. Jeremiah Atwater, D. D., was elected to fill the vacancy. The institution was prosperous under his direction, and the class of 1812 was the largest that had graduated for twenty years. In 1815, President Atwater resigned, and the following year the operations of the college were suspended, and were not renewed till 1821. In that year, the Rev. John M. Mason, D. D., was called to preside over the institution, and during the first part of his administration, there was a considerable influx of students; but previously to his resignation, which took place May 1, 1824, the college began to decline, and continued to languish, except for brief intervals, while under the presidency of Drs. Neill and Howe, until 1832, when the trustees determined that the operations of the institution should cease.

In 1833, the control and direction of the college was transferred to the Baltimore, Philadelphia, and New Jersey Annual Conferences of the Methodist Episcopal Church, by the resignation, from time to time, of some of the trustees, and by the election of others, named by the said conferences, in their stead, until finally a complete change was effected in the management of the institution. By this change the college took a fresh start, and the organization of the faculty was commenced by the election of the Rev. John P. Durbin as President, and the establishment of a Law Department, under the charge of the Hon. John Reed. About the same time, a Grammar School was opened, under the direction of Mr. Alexander F. Dobb. On the 10th of May, 1834, Merritt Caldwell, A. M. was chosen Professor of the Exact Sciences, and Robert Emory, A. M., Professor of Ancient Languages.

The requisite funds having been obtained, the grounds improved, the buildings repaired, and an important alteration effected in the charter, the operations of the college commenced.

again by the inductions into office, on the 10th of September, 1834, of the President and two professors elect, and by the admission of twenty students, there being at the same time about seventy pupils in the grammar school. On the 18th of July, 1837, the faculty was enlarged, by the addition of the Rev. John McClintock, A. M., as Professor of Mathematics, and William H. Allen, A. M., as Professor of Natural Science. Since this period, several changes have occurred in the board of instruction.—Professor Emory having resigned, Professor McClintock assumed his duties, and in July, 1840, Colonel Thomas E. Sudler, A. M., was called to fill the chair of Mathematics, vacated by Professor McClintock.

Mr. Dobb was succeeded in the charge of the grammar school by the Rev. Stephen A. Rossell, A. M., who occupied the station several years, assisted by John L. Carey, A. M., Rev. John F. Hey, and the Rev. James Bunting. After the resignation of these gentlemen, the Rev. Levi Scott, A. M. was chosen Principal, and the Rev. Thomas Bowman, A. M. assistant, under whose efficient management the school still continues. Dickinson College, under the auspices of the Methodist Episcopal church, and under the direction of its able faculty, has hitherto been prosperous, and bids fair to realize the hopes of its early founders. A new and commodious edifice has been erected for the accommodation of the faculty and students, and a suitable building for the use of the grammar school, called Dickinson Institute. A large addition has been made to the libraries, to the chemical and philosophical apparatus, and to the mineralogical cabinet. The number of students has gradually increased, and at this time there are in the college proper 118, in the grammar school, 60. Total, 178. The Board of Instruction is as follows:—

Rev. John P. Durbin, D. D., President and Professor of Moral Philosophy.

Merritt Caldwell, A. M., Professor of Metaphysics and Political Economy.

William H. Allen, A. M., Professor of Chemistry and Experimental Philosophy.

Rev. John McClintock, A. M., Professor of Languages.

Thomas E. Sudler, A. M., Professor of Mathematics.

Hon. John Reed, LL. D., Professor of Law.

Rev. Levi Scott, A. M., Principal of the Grammar School.
 Rev. Thomas Bowman, A. M., Assistant.

PRESBYTERIAN CHURCHES.

Upwards of a century ago, the Presbyterians built a log church on the Conodoguinet creek, at a place now called the "Meeting-house Springs." The first pastor was the Rev. Samuel Thompson. No vestige of this building now remains. In the burying ground are to be seen several grave-stones emblazoned with coats of arms. Shortly after Carlisle was laid out, a Presbyterian congregation was organized in it. A church was built, and George Duffield, D. D., ordained pastor in 1761. About 1760, a license was obtained from Governor Hamilton, authorizing the congregation to raise by lottery "a small sum of money to enable them to build a decent house for the worship of God," and in 1766, the minister and others petitioned the Assembly for the passage of an act to compel the "managers to settle," and the "adventurers to pay;" the settlement of the lottery having been for a "considerable time deferred" by reason of the "confusions occasioned by the Indian wars." The act prayed for was passed.

A short time afterwards, the congregation in the country, then under the care of the Rev. Mr. Steele, constructed a two story house of worship in town; and some time before the Revolution erected the present "First Presbyterian church," on the north west corner of the centre square. The two church parties differed somewhat in doctrinal views, and were called the "Old Lights" and "New Lights." Mr. Duffield's congregation erected a gallery in Mr. Steele's church, and the two parties worshipped separately. After the removal of Mr. Duffield to Philadelphia, and the death of Mr. Steele, the two congregations united, and called, in 1785, the Rev. Robert Davidson.

By act of Assembly of 1786, the congregation thus united was incorporated.

In 1833, a portion of the congregation, by reason of a doctrinal dispute, organized another congregation, and worshipped in the County-hall till 1834, when they built the "Second Presbyterian church," on the corner of South Hanover and Pomfret streets. The new congregation was incorporated in

the latter year. The "First Presbyterian church" is at present under the care of the Rev. Wm. T. Sprole; and the "Second" under that of the Rev. Alexander T. McGill.

ST. JOHN'S CHURCH.

The church edifice is situated on the north east corner of the public square. Its corner-stone was laid in 1825.

Robert Callender, George Croghan, Thomas Smallman and Thomas Butler, presented to the Assembly, in 1765, a petition in behalf of the "members of the church of England in Cumberland county," representing that they had "in part erected a church in Carlisle wherein to worship Almighty God; but from the smallness of their number, and distressed state of the country consequent upon the Indian wars," they were unable to finish it, and praying the house to "consider their condition and grant them such relief as they in their wisdom" should deem meet. The same year an act was passed authorizing them to raise a sufficient sum for the desired purpose by lottery; but whether they availed themselves of it, does not appear. The church then erected stood until the present one was built near the same spot.

An itinerant missionary for the counties of York and Cumberland, was maintained by the "Society for the Propagation of the Gospel in Foreign Parts," for several years after these counties were founded. This office, as late as 1766, was held by the Rev. William Thompson, son of the first Presbyterian pastor at the "Meeting-house Springs."

The present rector is the Rev. P. H. Greenleaf.

GERMAN REFORMED AND EVANGELICAL LUTHERAN CHURCHES.

The German Reformed and Evangelical Lutheran congregations, were organized about 1765; the latter under the pastoral care of the Rev. Mr. Butler. They worshipped on alternate sabbaths in the same church,—which stood on the present German Reformed burying ground,—until 1807, when each congregation erected a house of worship for its own use. The Lutherans built theirs on the corner of Louthier and Bedford streets. It is their present place of worship. Their church was incorporated in 1811, and is now under the care of the Rev. John Ulrich.

The German Reformed church was located on the lot now occupied by the Preparatory school building of Dickinson College. Having sold it, they built, in 1827, a church at the corner of High and Pitt streets, which they afterwards sold to the Methodist Episcopal congregation, and in 1835 erected the one which they now occupy in Louthier street. They were incorporated in 1811. Their pastor is the Rev. Henry Aurand.

METHODIST EPISCOPAL CHURCH.

Soon after the Revolution, the Methodist ministers commenced their labors in Carlisle, worshipping first in the market-place, then in the court-house, and subsequently in a small frame building in Pomfret street, in which last place they formed a class of about twelve members, in 1792 or 1793. Their number increased, and in a few years afterwards they built a small stone house in Pitt street, in which they worshipped a short time, and then erected a brick edifice in Church alley. Having sold this in 1835, they purchased from the German Reformed congregation the stone church on the corner of Pitt and High streets, which they have much improved and beautified. In this they now worship, under the pastoral charge of the Rev. Henry Slicer. The congregation was incorporated in 1838.

ROMAN CATHOLIC CHAPEL.

This edifice is built in the figure of a cross. Its location is on Pomfret street. It was erected in 1807, and enlarged in 1823. The lot upon which it stands was at an early day owned by the Jesuits of Conewago, who had upon it a small log church, in which the Roman Catholic congregation worshipped until the present one was built. Their officiating priest is the Rev. Patrick Maher.

ASSOCIATE PRESBYTERIAN CHURCH

The Associate Presbyterian congregation of Carlisle was organized in 1798. The lot on West street, upon which the church is built, was conveyed, in consideration of £6, by the Messrs. Penns, in 1796, to "Wm. Blair, Wm. Moore, John Smith, and John McCoy, trustees of the Associate Presbyterian congregation, adhering to the subordination of the Associate

Presbytery of Pennsylvania, of which the Rev. John Marshall and James Clarkson" were then members. The building was put up in 1802, and the Rev. Francis Pringle, their first pastor, called the same year. They have now no stationed minister, but the pulpit is occasionally filled by supplies.

AFRICAN CHURCHES.

These are situated, two in Locust alley and the third in Pomfret street.

UNITED STATES BARRACKS.

The barracks are located about one-half mile from the town, but within the borough limits. They were built in 1777. The workmen employed were Hessians captured at Trenton. The barracks will garrison 2000 men. A school of cavalry practice has recently been established at them, by the Government, and the buildings handsomely fitted up under the direction of Capt. E. V. Sumner, commanding the post.

THE CARLISLE BANK.

The Banking-house stands on North Hanover street, near the public square. The institution is governed by thirteen directors, and has a capital paid in of \$230,000. Business hours from 9 A. M. till 2 P. M.; and discount day Tuesday. The charter of the Bank will expire in 1845. George A. Lyon, President; William S. Cobean, Cashier; A. Hendel, Teller.

BOROUGH OFFICERS FOR 1841.

CHIEF BURGESS,
JOHN OFFICER.

ASSISTANT BURGESS,
NATHANIEL HANTCH.

TOWN COUNCIL,
FREDERICK WATTS, *President*.
GEORGE W. RHEEM, D. N. MAHON,
CHARLES FLEAGER, CHARLES BARNITZ,
ARMSTRONG NOBLE, JOHN D. GORGAS,
JACOB SENER, JOHN H. WEAVER.

CLERK TO COUNCIL, AND BOROUGH TREASURER,
THOMAS TRIMBLE.

CLERK OF THE MARKET AND HAY SCALES,
MICHAEL DIPPLE.

STREET REGULATORS,
JOHN HARPER, JOHN R. TURNER,
JACOB SPANGLER.

STREET COMMISSIONERS,
DANIEL BOWERS, WM. M. BIDDLE.

HIGH CONSTABLE AND MESSENGER,
JOHN WALKER.

ASSESSOR,
ANDREW COMFORT.

TOWN CLERK,
ROBERT MOORE.

SLE

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U.S. Barracks.



60 Feet

192 200 208

CHARTER

AND

ORDINANCES.

CHARTER.

Name and bounds of the borough.	1
Qualifications of electors—Borough Officers to be elected—Return of the election of constables to be made to the court—Constables' powers and liability—Judge, inspectors and clerks, how appointed—Shall take an oath—Proceedings in case of equality of votes—Certificates to be made out and deposited with clerk of the court—Duty of high constable—How vacancies to be supplied—Elections, by whom to be held.	2, 30
Style of the corporation—Powers and privileges—Seal—Markets.	3
Proceedings in case of refusal to serve as borough officer elected—Penalties how recoverable.	4, 32
Burgess, &c., to take oaths, &c.	5
Five of the council to constitute a quorum—Stated meetings—Make by-laws, &c.—Assess taxes, &c.—Appoint officers—Power of removal—Place of holding meetings—Publication of by-laws—Proviso relative to taxes.	6
Burgess to issue precept for collecting taxes—Duty of burgesses.	7, 19
Duty of town clerk.	8
Treasurer to give security.	9
Duties of borough officers relative to their accounts.	10
Court of appeal.	11
High constable to give notice and superintend elections.	12
Compensation to judges, inspectors, &c.—President of council to draw orders, &c.—Proviso relative to refusal to serve as borough officer appointed.	13
Appeal may be had to the court in case of grievance.	14
Competency of witnesses.	15, 29
Part of former act repealed.	16
Roads, streets and alleys, declared public highways—Rights and duties of street and road commissioners.	17
Assessment of taxes.	18
Assessment regulated—Warrant to issue—Proceedings where persons neglect or refuse to make payment—Collector to make payment within 3 months—Transcript of balance in his hands to be entered with the prothonotary.	19
In what case tenants are to pay the taxes—The same to be deducted out of the rent.	20

Auctioneers may be commissioned in the city of Lancaster.	21
Subject to the same duties, regulations, &c. as auctioneers in the city of Philadelphia.	22
Compensation of auctioneers.	23
Penalty on selling without license---Enumeration of property which may be sold by auction without license---Sales must be by the piece, package, &c.	24
Provisions of this act extended to Carlisle and other towns.	25
Town council authorized to appoint high constable.	26
So much of act of 20th March, 1810, as relates to borough of Carlisle, repealed.	27
Powers of high constable.	28
Evidence of publication of Ordinances.	31

Act of 14th March, 1814.

I. SECTION I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the said town of Carlisle shall still continue and remain a borough, under the name and title of "The Borough of Carlisle," the extent and bounds of which shall be the same as in the original law, passed on the 13th day of April, in the year of our Lord one thousand seven hundred and eighty-two.

Beginning at a walnut corner tree of land, now of Thomas Wilson's heirs, being a post at the corner of the widow McDonald's out lots; thence by the said land of Thomas Wilson's heirs, adjoining the out lots, south twenty-four degrees and one quarter east, two hundred and thirty-three perches, to a post on Le Tort's spring; thence down the said spring, the different courses thereof, fifty-nine perches, to a white oak, at the corner of Jonathan Holmes' land; thence by the same and adjoining out lots, south twenty-six degrees east, one hundred and twenty perches, to a post; thence by the same, south sixty-one degrees east, one hundred and twenty-one perches, to a hickory; thence by the same, south forty-one degrees east, one hundred perches to a white oak stump; thence by number one of the small tracts of land sold by the late Proprietaries to the inhabitants of the town of Carlisle, now in the possession or occupancy of James Davis, south forty-nine degrees west, ninety perches, to a black oak; thence by Charles McClure's land, south forty-nine degrees west, one hundred and twenty-nine perches, to a black oak; thence by the same, north seventy-five degrees west,

twenty-one perches, to a post, and south forty degrees west, fifty perches, to a black oak, and north seventy-five degrees and a half west, one hundred and fifty-four perches, to a post on Le Tort's spring; thence down said spring, the different courses thereof, forty-four perches, to a post on the west side of the spring; thence by the said Charles McClure's land, in right (as is said) of Baynton and Wharton, south eighty-nine degrees west, one hundred and fifty-nine perches, and adjoining out lots; thence by the same adjoining out lots, and commons belonging to the town, north eighty-one degrees west, one hundred and thirty-five perches, to a post, where a hickory tree formerly stood; thence by Ephraim Blaine's land, in right of Hugh Parker and the late Proprietaries (as is said,) and by John Smith's and company's land, north one hundred and eighty-one perches to a post; thence by the said John Smith's and company's land, south eighty degrees west, one hundred and thirty-four perches, to a post; thence the same course, extending by Ephraim Blaine's land, twenty-six perches; thence north eight degrees east, one hundred and forty-two perches and four tenths of a perch, to James Young's line, including the out lots; thence by the said James Young's line, south forty-three degrees east, seventy-four perches, to a hickory, and adjoining out lots; thence by the same, north eighty-three and one half degrees east, one hundred perches and two tenths of a perch to a stone corner; thence by the same, north twenty-four degrees and one quarter west, fifty-nine perches to a post; thence by the same, north eighty-seven degrees east, forty and one half perches, to a post; thence by the same and Ross Mitchell's line, north two and one half degrees west, one hundred and seventy-seven perches, to a post; thence along the road laid out through Ephraim Blaine's land, from said Mitchell's line to said Blaine's mill, north eighty-one degrees and a half west, two hundred and thirty-two perches, to the road leading from Carlisle town to said mill; thence along said Carlisle road, south four degrees west, twenty-two perches, to the place of beginning, including the town of Carlisle, commons, and all the out lots.

2. SECT. II. The inhabitants of the said borough, entitled to vote for members of the General Assembly, and who shall have resided within the same at least one year immediately preceding the election herein after mentioned, and within that time

paid a borough tax, shall have power on the third Friday in March next, and on the same day in every year hereafter, to meet at the court-house in said borough, and then and there between the hours of one and five in the afternoon, elect by ballot, one citizen residing therein, who shall be styled the "Chief Burgess;" one other citizen, who shall be styled the "Assistant Burgess;" and nine citizens to be a Town Council; and shall also elect as aforesaid one citizen as a High Constable; all of whom shall be inhabitants as aforesaid of the said borough. And also shall at the same time and place elect four suitable persons for Constables, and return the said persons so elected for constables to the next Court of Quarter Sessions of the county of Cumberland, and the said court shall appoint two of them to be constables of the said borough for one year from and after the time of their appointment, who when appointed as aforesaid, shall have the same power within the said borough, and be subject to all the penalties which constables have and are subject to under the act entitled, "An act to amend and consolidate with its supplements, the act entitled, "An act for the recovery of debts and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables, and for other purposes;" but previous to the opening of said election, such of the inhabitants who are present at the court-house, shall elect three citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted throughout according to the general election law of this commonwealth, and who shall be subject to the same penalties for mal-practices as by the said law are imposed; and the said judges, inspectors and clerks, before they enter upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of said county, to perform the same with fidelity; and after said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; and in case that any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the three judges in the presence of the inspectors and clerks, whereupon duplicate certificates of said election shall be signed by the said judges, one of which shall be delivered to the clerk of the Court of Quarter Sessions of the said county, to be deposited in his office, and the other shall be filed with the papers belonging

to the corporation. And it shall be the duty of the high constable for the preceding year, to give notice in writing to each of the persons so elected as aforesaid ; and in case of the death, resignation, removal or refusal to accept of any of the said offices, or if it should at any time happen through neglect, that no election shall be holden on the day aforesaid, in the mode herein before prescribed, the chief burgess, or in his absence or inability to act, the assistant burgess shall issue his precept directed to the high constable, to hold an election in manner aforesaid to supply such vacancy or neglect, giving at least eight days notice of such election by six advertisements set up in the most public place in the said borough. [*Postea* 26, 30.]

3. SECT. III. From and after the third Friday in March next, the chief burgess, assistant burgess and town council, duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "The Chief Burgess, Assistant Burgess, and Town Council of the Borough of Carlisle," and shall have perpetual succession ; and the said chief burgess, assistant burgess, and town council, and their successors, shall be capable in law to have, acquire, receive, hold and possess goods and chattles, lands and tenements, rents, liberties, jurisdictions, franchises and hereditaments to them and their successors in fee simple or otherwise, not exceeding the yearly value of five thousand dollars ; and also to give, grant, sell, let and assign the same lands, tenements, hereditaments and rents ; and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same from time to time at their will to change and alter, until it be otherwise directed by law, and the said inhabitants shall hereafter forever hold two markets in each week, one on Wednesday and one on Saturday.

4. SECT. IV. If any person duly elected as chief burgess, assistant burgess, member of the town council, or high constable, as aforesaid, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself the duties of said office, shall neglect to discharge the same according to law, every person so refusing or neglecting, shall for every such offence, forfeit and pay the

sum of twenty dollars, which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act, or of any of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and shall be recovered in the same manner that debts not exceeding one hundred dollars are recoverable ; and when so recovered, shall be forthwith paid to the treasurer of the borough ; and it shall be the duty of the officers of said borough, on receiving any money belonging to the corporation, to pay the same to the treasurer thereof. [*Postea* 32.]

5. SECT. V. The chief burgess, assistant burgess, town council and high constable, and each of them, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation, before any justice of the peace of said county, to support the constitution of the United States and of this state, and to execute the duties of their respective offices with fidelity ; and the certificates of such oaths and affirmations shall be filed among the records of the said corporation.

6. SECT. VI. It shall be the duty of the said town council, five of whom shall be a quorum, to hold meetings on the second Saturday in April, July, October, and January in each year, and oftener if occasion requires, at which meetings they may revise, repeal or amend all such by-laws and ordinances as have been heretofore made in said borough, and enact such other by-laws, and make such rules, regulations and ordinances, as shall be determined by a majority of them, necessary to promote the peace, good order, benefit and advantage of the said borough ; particularly of providing for the regulation of the markets, improving, repairing and keeping in order the streets, lanes and alleys and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules relative to the foundations of buildings, party walls and fences. They shall have power to assess, apportion and appropriate such taxes as shall be determined by a majority of them necessary for carrying the said rules and ordinances from time to time into complete effect, and also to appoint a town clerk, treasurer, two persons to act as street and road commissioners, a clerk of the market and a collector, annually, and such other officers as may be deemed necessary from time to time, and the same officers from time to time to remove for misdemeanor in office ; which meetings of the said town council shall be held

at the court-house in the said borough, until a town-house is erected ; *Provided*, that no by-law, rule or ordinance of the said corporation shall be repugnant to the constitution or laws of the United States or of this commonwealth, and that no person shall be punished for a breach of a by-law or ordinance made as aforesaid, until ten days have expired after the promulgation thereof, in at least one English and one German newspaper, printed in the said borough, if such papers are printed in the same, and if not, then by six advertisements to be put up in the most public places in said borough : [*Postea* 31.] *And provided also*, that in assessing such taxes, due regard shall be had to the valuation of taxable property taken for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed half a cent in the dollar of such valuation, unless some object of general utility shall be thought necessary ; in which case a majority of the taxable inhabitants of said borough shall approve of and certify the same in writing under their hands, to the town council, who shall proceed to assess the same accordingly. [*Vide act of 14th April, 1827.*]

7. SECT. VII. The chief burgess, elected and qualified agreeably to this act, or in his absence or inability to act, the assistant burgess is hereby authorized to issue his precept as often as occasion may require, directed to the collector, commanding him to collect all taxes so assessed, and the same to pay over to the treasurer. And the said chief burgess, or in his absence or inability to act, the assistant burgess is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him or them for the well ordering and governing of said borough.

8. SECT. VIII. It shall be the duty of the town clerk to attend all meetings of the town council when assembled upon business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act or of the acts of the corporation, whose attestations with the seal of the corporation shall be good evidence of the act or thing so certified.

9. SECT. IX. The treasurer (if required) shall give sufficient security for the faithful discharge of the duties of his office, and for the safe delivery of all monies, books and accounts apper-

taining thereto, into the hands of his successor, upon demand made for that purpose.

10. SECT. X. The street commissioners, treasurer, high constable, clerk of the market and collector, as well as all other officers who may be appointed by the corporation or council, shall at the meeting of the council in the month of April yearly, render their accounts to the said council for settlement, and the said accounts being so adjusted and settled accordingly, shall be forthwith published by said council, showing particularly the amount of taxes laid and collected, and of all monies paid into the treasury, and the amount of expenditures.

11. SECT. XI. The chief burgess, assistant burgess, and president of the council, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, the collector shall inform each inhabitant of his tax, and of the time and place of appeal: *Provided nevertheless*, that said court of appeal shall have no other power than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

12. SECT. XII. It shall be the duty of the high constable to give notice of the annual elections of the said borough, held in pursuance of this act, by setting up advertisements in the market-house, and in four other public places in the said borough, ten days previous thereto; he shall attend and see that the same is opened at the time and in the manner directed by this act: *Provided*, that it shall be the duty of the present high constable to publish and superintend in like manner the election to be held on the third Friday in March next, as is herein before directed.

13. SECT. XIII. The judges, inspector and clerks of the elections aforesaid, shall be allowed each one dollar a day for their services in holding said elections, and the town council shall from time to time fix the salaries of the high constable, town clerk, treasurer, clerk of the market, and such other officers as may be appointed under this act, which salaries shall be paid out of the borough treasury by orders drawn thereon, signed by the president of the council, which shall not be increased or diminished during the time for which the said officers were appointed respectively: *Provided*, that if any person appointed by the Town Council as aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he shall be

so appointed, he shall forfeit and pay for the use of the corporation, the sum of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service, of which they shall be the only judges: *Provided also*, that no person shall be compelled to serve in any borough office aforesaid, more than one year in three years.

14. SECT. XIV. If any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, except in what relates to the imposing and collecting the borough tax and appointments made by the town council, he, she or they may appeal to the next Court of Quarter Sessions, to be held for the said county, upon giving security according to law to prosecute his, her, or their appeal with effect; and the said court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive against all parties.

15. SECT. XV. The inhabitants of said borough and all persons holding property therein, shall be competent witnesses in all actions arising under this act or the by-laws and ordinances of said corporation. [*Postea* 29.]

16. SECT. XVI. From and after the third Friday of March next, so much of the act entitled, "An act for the erecting of the town of Carlisle, in the county of Cumberland, into a borough, for regulating the buildings, preventing nuisances and encroachments on the commons, squares, streets, lanes and alleys of the same, and for other purposes therein mentioned," as is altered, supplied or amended by this act, be and the same is hereby repealed: and so much of said act as authorizes the holding of fairs in said borough, be and the same is hereby repealed.

SUPPLEMENTARY ENACTMENTS.

Act of 14th April, 1827.

17. SECTION I. The several public roads, streets and alleys within the limits of the borough of Carlisle, in the county of Cumberland, are hereby declared public highways; and the street and road commissioners of said borough, and their successors in office, shall have and possess like powers, rights, privileges and authorities, as the supervisors of the public roads and highways of the several townships within this commonwealth, and shall perform like duties and services, and shall be proceeded against in like manner for neglect of duty or of-

ficial misconduct, and shall be liable to like fines, penalties and forfeitures as the supervisors of the public roads and highways aforesaid, and shall be governed in all things relating to their office of street and road commissioners, by the laws of this commonwealth which do or may govern the said supervisors in the discharge of their official duty. [*Purd. Dig. tit. Township Officers & Supervisors.*]

18. SECT. II. The taxes which the said council are authorized, by the act to which this is a supplement, to assess, apportion and appropriate, shall be assessed by said council on all such persons, trades, occupations and properties within said borough, as are made taxable by the act of the eleventh of April, one thousand seven hundred and ninety-nine, entitled "An act to raise and collect county rates and levies:—" *Provided*, that the sum so assessed on the taxable property within said borough, shall not in any one year exceed half a cent in the dollar, of the valuation thereof, taken for the purpose of raising county rates and levies; and that the rate assessed on any occupation, trade, or single freeman who follows no occupation, shall be in the same proportion to the rate assessed on the taxable property by said council, that the rates limited on occupations, trades and single freemen who follow no occupation, are made to bear to the rate limited on taxable property by the eighth section of the aforesaid act of the eleventh of April, one thousand seven hundred and ninety-nine. [*P. D. 6th ed. p. 211.*]

19. SECT. III. The town council shall immediately after the appeal is over, regulate the assessment according to the alterations made, and cause the town clerk to make a fair duplicate thereof; and the chief burgess, elected and qualified agreeably to the act to which this is a supplement, or in his absence or inability to act, the assistant burgess shall issue his warrant, with the duplicate, to the collector appointed by said council, authorizing and requiring him to demand and receive of and from every person in such duplicate named, the sum where-with such person stands charged. And if any person shall neglect or refuse to make payment within thirty days from the time of such demand, it shall be the duty of the said collector to levy the said tax by distress and sale of the goods and chattles of said delinquent, giving ten days public notice of such sale, by written or printed advertisements; and in case goods and chattles cannot be found, sufficient to satisfy the same, with

costs of suit, the said collector shall be authorized to take the body of such delinquent and convey him to the jail of the said county, there to remain until the taxes with costs be paid or secured to be paid, or he be otherwise discharged by due course of law; and the said collector shall, within three months after having received the said duplicate, pay into the hands of the treasurer of said borough, the whole of the amount of the taxes charged and assessed in such duplicate without further delay, except such sums as the said council may in their discretion exonerate him from, on pain of being answerable for and charged with the whole balance so remaining unpaid; a transcript of which balance shall be then entered by the treasurer with the prothonotary, whose duty it shall be to file the same, and which shall then operate to all intents and purposes, and be proceeded on in the same manner for recovery of the amount thereof, as if judgment were then entered against him for such balance in a court of record, in the name of said corporation as plaintiff: *Provided*, that such balance shall not be a lien on such delinquents property for a longer term than two years.

20. SECT. IV. Every tenant who may or shall occupy or possess any house or lot, or other real property, within said borough, owned by any person or persons not residing within the said borough, his, her, or their goods shall be liable to be distrained in manner aforesaid, for the payment of said taxes; and when any tenant or tenants shall pay the rate imposed on said house or lot or other real property levied as aforesaid, it shall be lawful for the tenant or tenants, to deduct the tax out of the rent due or to become due, or to recover the same from the owner or owners, by action of debt, with costs of suit, unless such defalcation or recovery would impair any contract or agreement between them previously made.

Act of 7th April, 1832.

21. SECT. I. From and after the first day of May next, when any citizen of this state, who shall have resided in the city of Lancaster, for one year, and shall have paid into the treasury of the commonwealth, the sum of five hundred dollars, and filed in the office of the secretary of the commonwealth, his bond in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of an auctioneer, and for the payment of all duties and taxes which may become due to the

state, in consequence of his exercising the trade or occupation of an auctioneer, with two or more sufficient sureties, to be approved of by the judges of the Court of Common Pleas, of the county of Lancaster, or any two of them, which approval, together with the fact, that the applicant is a citizen and resident of the city of Lancaster, as aforesaid, shall be certified by the said judges on the bond, to be transmitted to the secretary of the commonwealth, the Governor shall thereupon grant to such citizen a commission in legal form, authorizing him to make sales by auction according to law, of all and every kind of merchandize whatsoever, at any place within the limits of the city of Lancaster, for the term of one year from the date of said commission.

22. SECT. II. Auctioneers appointed in pursuance of this act, shall receive and pay to the state treasurer for the use of the commonwealth, the same rates of duties on all articles struck off or sold by them that are required to be received and paid by the auctioneers of the city of Philadelphia, and shall be subject to the same conditions, rules, regulations and restrictions, in all respects as are imposed by law on the auctioneers of the said city of Philadelphia, except so far as the same may be inconsistent with the provisions of this act. [*P. D. tit. Auct.*]

23. SECT. III. Every auctioneer commissioned in pursuance of this act, shall be at liberty to contract with the person consigning to him property for sale, such compensation as may be agreed upon by the contracting parties.

24. SECT. IV. From and after the first day of May next, it shall not be lawful for any person, except auctioneers commissioned in pursuance of this act, to sell or dispose of by public outcry or vendue, within the limits of the city of Lancaster, any description of property whatever, (except as is hereinafter excepted,) and every person offending against this provision, and being thereof legally convicted, shall for every such offence forfeit and pay the sum of five hundred dollars, to be recovered as debts of like amount are by law recoverable, to the use of the commonwealth: *Provided*, that nothing herein contained shall be so construed as to hinder or prevent the sale of horses, cattle, carriages, second hand household and kitchen furniture, farming utensils and mechanics tools, books, or real estate, or the remains of the stock of deceased merchants, or of those who wish to close their business, or such sales as are authorized by

the fourth section of an act, passed the twenty-third day of September, one thousand seven hundred and eighty, entitled, "An act to alter and amend an act for the more effectual suppression of auctions and vendues, and to prohibit male persons capable of bearing arms, from being hawkers and pedlars :'' *Provided also*, that no auctioneer commissioned under this act, shall sell by auction any goods, wares or merchandize, except in the cases above specified, by less quantity than the piece, package, parcel, bale or box, as the case may be, under the penalty herein mentioned. [*Purd. Dig. 6th ed. p. 95.*]

25. SECT. V. Sales at auction shall be regulated in the boroughs of Harrisburg, Carlisle, Marietta, Columbia and York, Frystown, and Buttstown, and West Chester, and the borough of Chambersburg, in the same manner as is provided for in the preceding sections of this act, for the city of Lancaster, the auctioneers to be appointed in the same manner, pay the same duties, give the same security, and be liable to the same regulations and penalties.

Act of 7th March, 1835.

26. SECTION I. The town council of the borough of Carlisle shall have power, at the first meeting of the said town council, after the borough election in each and every year, or as soon thereafter as it may be convenient, to appoint one of the constables of the said borough, or any other suitable citizen of the same, high constable of the said borough, and the same high constable from time to time to remove from office and appoint another person in his place; and such high constable so appointed shall perform all the duties, and be subject to all the penalties and provisions which are now by law prescribed and established for the regulation of the high constable in the said borough.

27. SECT. II. So much of the act of the twentieth of March, one thousand eight hundred and ten, as provides that no person shall be permitted to serve as constable more than three years in any term of six years, is hereby repealed, so far as the same relates to the borough of Carlisle, in the county of Cumberland, so that any person elected by the people of the said borough to the said office of constable, or who shall hereafter be elected to said office, shall serve in such office as if the said act had never been passed.

Act of 3d April, 1837.

28. SECTION III. The high constable of the borough of Carlisle, shall have all the powers and authorities which a constable of any of the counties of this commonwealth can exercise by the common law, by any act of the general assembly of this commonwealth, or any ordinance or by-law of the said borough, except only that the said high constable shall not be authorized to execute civil process in any suit or action wherein the said borough is not a party.

Act of 19th February, 1840.

29. SECTION IV. No person shall be excluded from being a witness, juror or arbitrator, in any action, prosecution or proceeding, which has been or may be instituted, in which any borough that has been or may hereafter be incorporated, is a party on record or in interest, by reason of such person being or having been a burgess, member of the council or other officer of such borough, under the charter, ordinances, by-laws, rules or regulations thereof; nor on account of such person or his property being subject to the payment of any tax, or liable to the payment of any expense or penalty, under such charter, ordinances, by-laws, rules or regulations.

Resolution of 19th March, 1840.

30. The election for borough officers and constables, for the boroughs of Harrisburg and Carlisle, shall be held and conducted by the same officers who hold the election for judges, inspectors, and assessors of the said boroughs, or in the respective wards thereof. [*Vide act relating to elections, Section 14. Pamphlet Laws, 1838-9, p. 522.*]

Act of 29th May, 1840.

31. SECTION I. An affidavit made by the town clerk of the boroughs of Carlisle and Meadville, and entered upon the minutes of the town council of the said borough, setting forth that an ordinance of such borough has been duly published according to law, shall be evidence of such publication.

Act of 6th April, 1841.

32. SECTION I. The several fines and penalties imposed by the ordinances of the borough of Carlisle, may be sued for and recovered before any justice of the peace of said borough, as debts of similar amount are by law recoverable.

ORDINANCES.

NUISANCES.

Streets, lanes, alleys and highways not to be incommoded by dirt or other matter in making improvements—Provision in favor of persons building.	1
Shavings, ashes or other filth or annoyance, not to be laid on any street, lane or alley.	2, 3, 4
Common sewers not to be obstructed.	5
Pavements to be made as directed by the Regulators—Extent of porches, cellar doors, steps, jut windows, spouts and gutters limited.	6
Streets, lanes, alleys and pavements not to be obstructed by boxes, barrels, &c.—Provision in favor of merchants.	7
Fuel not to remain on the streets.	8
Duty of the High Constable relative to nuisances.	8, 9
The streets, lanes and alleys not to be obstructed by wagons, carts, &c.—The manner of placing the same directed.	10
Digging in the public square, streets, lanes and alleys prohibited.	11
Amount of powder kept in any shop or store limited---Time when it may be sold.	12
Penalty, where chimneys take fire by accident---May be burned in wet weather.	13
Combustible matter not to be exposed where it may take fire.	14
Firing of squibs, guns, &c. prohibited--Trees, pumps, and pavements protected—Disturbances of the peace and playing in the market-house interdicted.	15
Horses not to run at large---Stallions, jacks, and bulls, not to be exhibited---Quadrupeds and wagons to be kept off pavements.	16
Poultry, swine or sheep running at large to be sold.	17
Penalty for injuring posts or fences, or carrying away vegetable products.	18
Cleanliness of Le Tort's spring provided for.	19
Bathing in the same prohibited.	20
Bitch dogs not to run at large.	21
Public square not to be occupied.	22
Grave-yard fences and tombstones to be preserved.	23
Constable to visit the graveyard.	24
Proceeding when stove-pipe or chimney is inconvenient or dangerous.	25
Theatrical entertainments, without license, prohibited.	26
Penalties, how recoverable.	27

AN ORDINANCE, RELATING TO NUISANCES AND OTHER OFFENCES.

Passed 30th November, 1840.

SECTION 1. *Be it enacted and ordained by the Town Council of the Borough of Carlisle, and it is hereby enacted and ordained by the authority of the same, That if any person or persons in digging or making of cellars, or other works or improvements, shall, after the publication of this ordinance, cast or throw any dirt or other matter, into any public street, lane,*

alley or highway, (so as to unnecessarily incommode the same,) within the said borough, and shall not remove the same upon notice given by the Chief Burgess, Assistant Burgess or High Constable of said borough, within forty-eight hours from the period of such notice, every such person or persons so offending shall forfeit and pay a sum not less than *Ten Dollars* nor more than *Twenty Dollars*. *Provided, however,* that persons building shall be privileged to occupy, not for a longer time than six months, one half of the street immediately in front of the lot on which they are building; and *provided also,* that such persons shall not occupy any part of the foot pavements with such materials, except necessary scaffolding for putting up such buildings.

SECT. 2. If any person or persons shall lay or cause to be laid any shavings, ashes, or other filth or annoyance, on any pavement, street, lane or alley of said borough, and shall not remove the same within twenty-four hours after notice given as aforesaid, every such person or persons so offending shall forfeit and pay for every such offence a sum not exceeding *Five Dollars*.

SECT. 3. If any distiller, soap boiler, tallow chandler, or other person of any trade or calling whatsoever, shall discharge any foul or nauseous liquid into any of the streets, lanes or alleys of the borough; or if such person shall keep, collect or use, or cause to be kept, collected or used, in any of the built parts of said borough, any offensive matter whatsoever, he or she so offending shall forfeit and pay for every such offence, a sum not exceeding *Five Dollars*.

SECT. 4. If any person or persons shall cast or lay any dead carcass, or any excrement or filth from vaults, privies or other places, on or near any of the streets, lanes or alleys, or upon any uninclosed grounds within the limits of the borough, and shall leave the same for the space of three hours without burying it at least two feet beneath the surface of the earth, he, she, or they shall forfeit and pay a sum not exceeding *Five Dollars*.

SECT. 5. If any person or persons shall obstruct the passage of the waters of any common sewer, made or to be made within the said borough, he, she or they so offending shall forfeit and pay a sum not exceeding *Fifty Dollars*.

SECT. 6. If any person or persons shall make any pavement or footway before any house or lot in the said borough, of a greater breadth or height than may be directed by the regula-

tors appointed by the town council, or shall set up a post or posts in any street, lane or alley, other than as directed by the said regulators, or if any person shall hereafter make and set up in any street of sixty feet wide or upwards, any porch, cellar door, or step, which shall extend beyond the distance of four feet and three inches into such street, or beyond a proportionate distance if set up in any narrower street; or if any person shall make and set up any bulk or jut window which shall extend beyond the distance of twenty-eight inches into said street, or shall place or cause to be placed any spout or gutter whereby the passage of any street, lane or alley shall be incommoded, and shall fail to remove the same within three days after notice given by the chief burgess, assistant burgess, or high constable, he, she or they so offending shall forfeit and pay a sum not exceeding *Five Dollars*; and for any continuance of such offence, shall forfeit and pay a sum not exceeding *Ten Dollars*.

SECT. 7. If any person or persons shall obstruct any street, lane, alley or pavement by boxes, barrels, cases, lumber, or any other article whatever, other than fuel, and shall not remove the same within three hours after notice as aforesaid given, he, she or they shall forfeit and pay a sum not exceeding *Five Dollars*. *Provided nevertheless*, that any merchant or other person having goods or other articles for sale, may erect awnings, and exhibit said goods and other articles before their respective doors, between sunrise and sunset; but such goods or other articles shall not occupy more than two feet of the exterior or three feet of the interior of said pavements, and the exterior and interior of the same shall not be occupied at one time. *And provided further*, that one watch-house for the Carlisle Bank, and such other watch-houses as may be necessary hereafter, shall be excepted out of this ordinance.

SECT. 8. After notice so as aforesaid given, and refusal to comply therewith, it shall be the duty of the high constable, either of his own knowledge or on the instruction of the chief or assistant burgess, to remove any such nuisance or obstruction at the cost of the person or persons so as aforesaid notified, by whom the same shall have been erected; the cost of such removal to be in addition to the penalty imposed by such section of this ordinance as regulates the particular offence, but if the person or persons having erected such nuisance or obstruc-

tion shall be unknown, then it shall be the duty of the high constable to remove the same at the charge of the corporation.

SECT. 9. If any wood, stone coal or other fuel, shall be suffered to remain upon any street, lane or alley of the borough, for the space of three days, it shall be forfeited to the use of the borough, and the high constable is hereby enjoined and directed to seize the same, and shall immediately proceed to sell it and pay over the proceeds to the treasurer of the borough, first retaining thereout for his trouble twenty per cent.

SECT. 10. No person or persons residing within the borough shall obstruct any street, lane or alley in the inhabited parts of said borough, by keeping stationary therein any wagon, cart, carriage, railroad car or other vehicle, for a longer period than three hours, except for such further time as may be necessary for the loading or unloading thereof, and excepting also such wagons, carts, carriages, cars or other vehicles as may be necessarily kept near to wagon makers' or other shops for the purpose of repairing or finishing the same; and the owner or driver of any vehicle who shall stop to rest or feed his or her horses or cattle upon any public street, shall back his or her vehicle opposite the lot occupied by the keeper of the inn or tavern where he or she is entertained, in such way as that the hinder wheels shall rest against the curb-stone of the side pavement, and the tongue extend toward the centre of the street. And if any person or persons shall neglect or refuse to obey the requirements of this section, he, she or they shall forfeit and pay a sum not exceeding *Five Dollars*.

SECT. 11. No person or persons shall open a quarry, dig clay, make any hole, cavity, or break ground for any purpose whatever in the public square, or in any street, lane or alley of the borough, without having first obtained a license or written permission from the burgesses, under a penalty not exceeding *Twenty Dollars*, together with the cost of filling up and levelling the same.

SECT. 12. No person or persons shall keep within the limits of the borough, in any house, shop, cellar, store or other place, a greater quantity than twenty-five pounds weight of rock or gun powder at any one time, unless it be fifty yards from any dwelling house, under the penalty of *Twenty Dollars*; nor shall any person sell at wholesale or retail any gun or rock

powder within the borough limits between sunset and sunrise, under a like penalty.

SECT. 13. If any person or persons shall suffer any chimney to be uncleansed so long that the same shall take fire by accident, so as to flame out at the top, he, she or they shall forfeit and pay a sum not exceeding *Ten Dollars*: *Provided, however*, that it shall be lawful for the occupier or owner of any chimney to cleanse the same by burning in wet or snowy and calm weather; but if any such person shall at any other time than when the weather is wet or snowy, and calm, voluntarily set on fire any chimney, he, she or they shall suffer the penalty aforesaid.

SECT. 14. If the owner or occupier of any lot within the inhabited parts of said borough shall build, make or place any stack, rick, mow or heap of grain, hay, straw, chaff, fodder, or other combustible matter, in an open or exposed situation, so as to be in danger of taking fire, from sparks or coals falling on the same, and within the distance of one hundred feet from the chimney of any fire-place in which a fire is usually kept, and shall not within ten days after notice given by the high constable remove the same, or cause it to be securely and closely covered and inclosed with boards or safe covering, such person or persons shall forfeit and pay a sum not exceeding *Ten Dollars*.

SECT. 15. It shall not be lawful for any person or persons to kindle any fire in the public square, or in any of the streets, lanes, alleys or lots of this borough; nor to fire or throw any squib or fire cracker; nor to fire any gun, pistol, cannon or other fire arm within the same; nor to cast or throw any brick bat, stone, snow ball, fire ball, or other matter on, at, or in the market-house, or in any of the inhabited parts of said borough; nor to injure, damage or abuse in any way whatever the market-house, any tree growing in the public square, any church or other public building, or any pump within said borough; nor to tear up, injure or abuse any pavement in the same; nor to disturb the peace and quiet of the town or any of the citizens thereof, by any noise, disturbance, or disorderly conduct whatever; nor to frequent and use the market-house as a place for playing at ball or any other game; nor to occupy the benches of the same at any time or for any purpose except during market hours. And every such offender for every such offence, shall pay a fine not exceeding *Ten Dollars*.

SECT. 16. If any person or persons shall gallop any horse, mare, gelding, ass or mule, in any street, lane or alley of this borough, or shall by negligence permit any such animal to run away ; or shall suffer the same to run at large in said borough, or to be driven to or from water or pasture, or shall exhibit for public show or covering within the limits thereof, any stallion, jack or bull ; or shall, ride, lead, or drive any quadruped, or drive any cart, wagon or carriage upon any part of the foot pavements within said limits ; or shall hitch or fasten any horse, mare, gelding, ass, or mule, at or near any such pavement, so as to tread upon or injure the same, or so as to interrupt or endanger any one in passing along said pavement, he, she or they so offending shall forfeit and pay a sum not exceeding *Ten Dollars*.

SECT. 17. If any geese, ducks, turkies, or other poultry, swine or sheep be found running at large in any street, lane or alley within the populated parts of the borough, or upon the public square, it shall be the duty of the high constable to seize and sell the same and pay over to the borough treasurer for the use of the corporation, one half the amount of such sale, retaining the residue as a compensation for his trouble.

SECT. 18. If any person or persons shall break any rail, post, pole or other matter of which a fence is composed, or shall throw down, open or in any way injure any fence or other inclosure, gate or bar within the said borough, or shall gather or carry away therefrom any kind of splinters, bark or chips, without the consent of the owner of such fence or inclosure, or shall enter upon any enclosed ground within said borough, or shall take therefrom any fruit or vegetable product whatever without the permission of the owner, such person or persons shall forfeit and pay a fine not exceeding *Ten Dollars* : *Provided, however*, that nothing herein contained shall be held to exempt the offender or offenders from legal liability to the owner or owners of the property upon which the injury has been done or the trespass committed.

SECT. 19. If any person or persons shall throw any dead animal or other putrid matter, into the Letart spring, or shall drown or destroy any animal and leave its carcass therein, or shall suffer any filth or offensive matter to run into said spring from any hog pen or sty, or shall in any way corrupt the waters of said spring so as to render the same unwholesome or

impure, such person or persons so offending shall pay a fine not exceeding *Twenty Dollars*.

SECT. 20. No person shall be permitted to bathe or swim in the waters of the Letart spring, either by night or day, within the limits of the borough, under the penalty of *One Dollar*.

SECT. 21. If any bitch dog shall be suffered to run at large in the borough, while in heat, the person owning, possessing, feeding or harboring her, shall forfeit and pay a fine of *Ten Dollars*.

SECT. 22. No person shall ride, lead or drive any horse or other animal over upon or through any part of the public square, within the boundaries of the surrounding pavements and alleys, nor shall any person occupy any part of said square within said boundaries, with wagons, carts, carriages, or any deposite whatever, under the penalty of *One Dollar*.

SECT. 23. If any person shall remove, misplace or injure any part of a wall or fence enclosing any graveyard within the limits of the borough, or shall pull down, break, or deface, or otherwise injure any tombstone or monument placed or erected in any such graveyard, he or she so offending shall forfeit and pay a sum not exceeding *Ten Dollars*, together with the costs of repairing the injury done.

SECT. 24. It shall be the duty of the high constable to visit and examine, from time to time, the public graveyard belonging to the borough, and make report at least once in every three months, to either of the burgesses, of its actual condition.

SECT. 25. If any stove pipe or chimney within the borough be so placed as to be inconvenient or dangerous, it shall be the duty of either of the burgesses, on complaint of any inhabitant, to issue an order to the street regulators to view the place complained of, and they or a majority of them shall designate the manner of placing or using such stove pipe or chimney as can best be done to avoid such inconvenience or danger, which alteration they shall forthwith report in writing to the occupier of such stove pipe or chimney, and also to one of the burgesses; and every such occupier to whom report shall be so made, continuing to use the same for three days thereafter, without having made the alteration directed in said report, shall forfeit and pay the sum of *Five Dollars*: *Provided, however*, that if such alteration cannot reasonably be made within the time here limited, either of the burgesses may allow such further time as to him may seem necessary.

SECT. 26. No theatrical entertainments, equestrian performances, shows of animals, or any spectacle or exhibition whatever, exposed to view for money, shall be permitted within the bounds of the borough, without a written license from the burgesses for such limited time as may be appointed by them, and on payment of such sum as they may think proper, not exceeding twenty dollars for every such license. And every person offending in the premises, as well as every owner of any house, out house, or other place in which such exhibition shall be so made, shall forfeit and pay a fine not exceeding *Twenty Dollars*.

SECT. 27. All fines and penalties imposed by this ordinance shall be for the use of the corporation, and may be sued for and recovered before any justice of the peace resident in the borough, and the chief burgess, assistant burgess, and high constable, are hereby required and enjoined to inform upon and prosecute to conviction every offender under this ordinance. [*Sup. to Charter, Ante 32.*]

MARKETS.

Inner stalls of market-house appropriated to retailers of meat---Selling meat by the quarter on the outer stalls prohibited with exception.	1
Butchers and retailers of meat to obtain license.	2, B 1
Buying and selling prohibited except during market hours---Market hours fixed.	3
Retailers of provisions and keepers of oyster and eating-houses to obtain license.	3, 5, 7
Purchases in market by retailers limited.	4
Treasurer to furnish license---Prices of stalls regulated---Treasurer to keep book.	5
List of licensed stalls to be furnished by the treasurer to clerk of market---Clerk to issue process for penalty---May grant license for one day---Penalty for neglect.	6, B 2
Duties of high constable and treasurer relative to retailers and oystermen.	8
Cleanliness of market-house provided for.	9
No beam or hook to be erected in the market-house.	10
Hucksters prohibited from selling in market-house without license.	11
Spaces appropriated to market-wagons.	12
Butter not of full weight to be forfeited.	13
Penalty for bringing unwholesome provisions to market.	14
Fraud or violence prohibited in the sale of provisions.	15
Standard weights and measures to be kept---Weights and measures of inhabitants to be tested---Buying and selling by false weights interdicted.	16
Penalty for refusing to permit weights and measures to be tested.	17
Articles to be sold in market may be weighed or measured---Compensation to clerk.	18
Hay how to be weighed.	19
Clerk to have the care of hay scales---Compensation for weighing.	20
Book of accounts to be kept and exhibited to council by clerk---His compensation.	21
Penalties, how to be recovered.	22

AN ORDINANCE, RELATING TO THE MARKETS.

Passed 11th January, 1841.

SECTION 1. *Be it enacted and ordained by the Town Council of the Borough of Carlisle, and it is hereby enacted and ordained by the authority of the same,* That the inner stalls and area of the market-house, shall be exclusively appropriated to butchers and retailers of meat, who shall use the stalls or spaces between the columns for the purpose of exposing their meat for sale, and the outer stalls or benches shall be exclusively appropriated to the venders of provisions and articles other than meat by less quantity than a quarter: *Provided, however,* that the privilege of selling fresh meat by the quarter, on the outer stalls or benches, shall only extend to and be enjoyed by farmers and others, who may kill for market, stock of their own raising.

SECT. 2. No butcher or retailer of meat by less quantity than a quarter, shall occupy any stall of the market house without first having obtained a license therefor from the borough treasurer, and having paid the said treasurer the sum which shall be fixed as the annual rent of such stall as he or she may select; a stall being the space between any two of the columns which support the building. [*Post. B 1.*]

SECT. 3. It shall be unlawful for any person to buy or sell any article of provisions (groceries, all kinds of grain, and bread only excepted) after the hour of sunset of the day preceding the markets, and 7 o'clock of the morning of the said market days, from the 1st day of April until the 1st day of October, and 8 o'clock of the morning of the said market days, from the 1st day of October until the 1st day of April, as established by the charter, except in the market-house; nor shall it be lawful for any person to retail any article of provision (except as before excepted,) in shops or houses within the borough, without first having obtained a license therefor from the borough treasurer, and having paid for the same such price as shall be fixed by the borough authorities. And any person offending against this section shall forfeit and pay the sum of *One Dollar* for every such offence.

SECT. 4. No person having obtained a license as aforesaid to retail provisions, shall purchase within the usual market hours, of buckwheat or corn meal, more than half a bushel:

of any kind of nuts more than a peck : of eggs more than two dozen : of butter more than six pounds : of potatoes more than three bushels : of fruit more than one bushel : of meat, dry or smoked, more than twenty pounds, (unless a single piece should exceed twenty pounds,) under the penalty of *Five Dollars*.

SECT. 5. It shall be the duty of the treasurer of the borough to issue a license to any person or persons applying for the same, entitling him, her or them, to the exclusive use and occupancy, during market hours, of any stall or stalls in the area of the market-house, or of any space or spaces on the outer benches, for a term of not more than one year, nor less than three months, the applicant or applicants therefor paying to the treasurer the annual rent of nine dollars per annum for the inner range of stalls ; and the applicant or applicants for a space or spaces on the outer benches of the market-house, paying to said treasurer the annual rent of two dollars for a space of four feet, or one dollar and fifty cents for a space of three feet as marked, designated and numbered on the said benches, which said several rents shall be paid quarterly in advance. And it shall be the duty of the said treasurer to enter in a book kept for that purpose, the numbers of each and every stall and space and the names of the persons to whom licenses therefor have issued, and the time for which they have issued : *Provided*, that in all applications to the treasurer for license to retail provisions or maintain an eating house in the borough, or to occupy a stall or stalls in the market-house, he shall be entitled to receive from the applicant fifty cents in addition as a compensation for his trouble, unless the license be for a less time than a year, in which case he shall receive only twenty-five cents.

SECT. 6. It shall be the duty of the treasurer once in every three months to furnish to the clerk of the market a list of the persons who have paid for and taken licenses for stalls and places in the market-house, and if any of the said stalls shall be occupied or used by any person who has not taken out a license for the same, it shall be the duty of the clerk immediately to make report thereof in writing to the treasurer, whose duty it shall be to procure process to be issued against such person for the collection of the penalty imposed by this act : *Provided, however*, that any person may obtain permission from the clerk of the market to occupy a stall or half a stall in the said market-house for one day during market hours, first paying

therefor to the said clerk for the use of the borough twenty-five cents for the privilege of a stall, or twelve and a half cents for half of a stall. And if the clerk of the market shall neglect to perform the duties required of him by this act, he shall forfeit and pay the sum of fifty cents for each individual so occupying any stall or part of a stall without license, and for each and every market day the same shall be so occupied. [*Post. B 2.*]

SECT. 7. It shall be lawful for the treasurer to grant and issue a license, to any person or persons applying for the same, to retail provisions of any kind or to keep and maintain an oyster or eating house within the borough for the term of one year, he, she or they applying for the same, having first paid to the treasurer the sum of two dollars for the use of the borough, and if any person or persons shall keep or maintain an oyster or eating house within said borough, without having obtained a license, he, she or they, shall forfeit and pay the sum of *Five Dollars*.

SECT. 8. It shall be the duty of the high constable on the second Saturdays of April, July, October and January, to report to the treasurer the name of every retailer of provisions, and of every keeper or maintainer of an oyster or eating house within the borough, and if any person shall be found offending in the premises against the prohibitions and requirements of this ordinance, the treasurer shall cause process to be issued against such offender for the penalty in such case provided.

SECT. 9. The benches or blocks to be used by butchers in cutting up their meat, shall not be permitted to remain in the market-house at any other time than during market hours, without being turned upon or against the permanent boxes between the columns, so as to preserve their upper surface from filth and uncleanness. And it shall be unlawful for any person to bring within the market-house or the enclosure which surrounds the same, any dray, cart, wagon, or any other thing not authorized by this ordinance; nor shall it be lawful for any person to bring into and leave within the said market-house or enclosure, the head, feet, or offals of any animal, and any one offending against any provision of this section, shall forfeit and pay for every offence the sum of *Two Dollars*.

SECT. 10. No person shall hereafter construct or put up in the said market-house, any beam, hook, or device for any purpose, whatever, under the penalty of *Two Dollars*, without first

having obtained the consent of the town council; and it shall be the duty of the clerk of the market immediately to remove any such beam, hook or device so constructed or put up.

SECT. 11. No huckster or seller of cakes shall be permitted to sit within the market-house or the line of posts which surrounds the same, for the purpose of selling, without having first obtained a license from the treasurer, and the privilege under such license shall only extend to the right of selling during market hours.

SECT. 12. The spaces on the south and east sides of the market-house are hereby appropriated, during market hours, to the use of wagons, carts, and carriages; and the owner or owners of such cart, wagon, or carriage, shall back the same in such way as that the hinder part thereof shall be next the market-house: *Provided, however,* that no wagon or other vehicle laden with wood, rails, boards or other lumber, shall be permitted to occupy, during market hours, any part of the said spaces; and any person offending against this section, shall forfeit and pay the sum of *One Dollar*.

SECT. 13. If any person shall offer for sale any butter not of full weight, it shall be forfeited, and sold by the clerk of the market for the use of the borough, and the proceeds paid over to the treasurer.

SECT. 14. If any person shall bring to market for sale bad or unmarketable provisions, the clerk of the market shall immediately remove the same, and the offender shall forfeit and pay for every offence the sum of *Five Dollars*.

SECT. 15. It shall be unlawful to use any fraudulent or dishonest practice, or any force or violence in purchasing or vending during market hours any article of provision, and every person offending against this section shall forfeit and pay for the use of the person injured the sum of *Two Dollars*.

SECT. 16. The clerk of the market shall always keep for the use of the corporation, exact standard weights and measures, as the same are or shall be fixed by the laws of this commonwealth; and it shall be his duty once in every three months, or oftener if required, to try the weights and measures of all inhabitants of the said borough who buy or sell by weight or measure, and every weight or measure used in the said borough, either for buying or selling, which shall be found greater or less than the standard, shall be taken into the custody of

the said clerk, whose duty it shall be to increase or reduce the same to the true standard at the expense of the person owning or using the same. And if any person within the said borough shall sell any article by weight or measure under the just standard so to be kept, or shall buy by any weight or measure above such standard, he or she shall forfeit the said weights or measures, and pay for every such offence the sum of *Five Dollars*.

SECT. 17. If any inhabitant of the borough, using any weights or measures for the purpose of buying and selling, shall refuse, on demand being made by the clerk of the market, to produce or deliver the said weights or measures for the purpose of being tested by the standard aforesaid, he or she shall forfeit and pay for every such refusal a sum not exceeding *Twenty Dollars*.

SECT. 18. It shall be the duty of the clerk of the market to attend every market morning at the market-house, where the said standard weights and measures shall be kept in a house provided for keeping the same, and all articles offered for sale, the price of which shall depend on weight or measure, shall, if brought to the said house, be by him weighed or measured, and he shall be paid by the seller for weighing, as follows: for each draft not exceeding ten pounds, one cent; if over ten and not exceeding twenty pounds, two cents; if over twenty and not exceeding fifty pounds, three cents; if over fifty and not exceeding one hundred pounds, four cents; and if over one hundred pounds, six cents; and for measuring all articles sold by the bushel or less quantity, he shall receive for each measure, if not exceeding half a bushel, one cent; if above a half bushel and not exceeding a bushel, two cents; and two cents for every additional bushel; and if the said clerk shall be called upon to weigh or measure any article at any other time than on the morning of a prescribed market day and during market hours, the seller shall pay to the said clerk double the above rates.

SECT. 19. No person shall sell any hay to a citizen of the borough unless by the stack, without having the same weighed in the hay scales, or patent balance, before its delivery to the purchaser, under the penalty of *Five Dollars*.

SECT. 20. The clerk of the market shall have the care and custody of the said scales or balance, and shall weigh all hay and other articles brought for that purpose, for which service he shall be entitled to demand and receive from the owner of

such hay or other article fifty cents for every ton, and a proportionate compensation for any less weight, provided that in no case shall he receive a smaller sum than twelve and a half cents.

SECT. 21. The clerk of the market shall keep regular entries of all monies received by him under the 20th section of this ordinance, and shall exhibit his book of accounts at each quarterly meeting of the council, and pay over the said moneys to the treasurer of the borough, after having deducted therefrom one third part as a compensation for his trouble.

SECT. 22. All fines and penalties imposed by this ordinance may be sued for and recovered before any justice of the peace in the borough, and shall, unless otherwise directed, be for the use of the corporation. [*Sup. to Charter, Ante 32.*]

B.

AN ORDINANCE

Supplementary to an Ordinance, entitled "An Ordinance to regulate the Markets."

Passed 30th March, 1841.

SECTION 1. *Be it enacted and ordained by the town council of the borough of Carlisle, and it is hereby enacted and ordained by the authority of the same, That any person or persons offending against the provisions of the second section of an ordinance, entitled "an ordinance to regulate the markets," passed by the town council on the 11th day of January, 1841, shall forfeit and pay to the use of the corporation the sum of One Dollar, to be recovered as is provided in the twenty-second section of the said ordinance.*

SECT. 2. The list to be furnished to the clerk of the market as directed by the sixth section of the aforesaid ordinance, shall be held to extend only to the occupants of the inner stalls of the market-house.

PUMPS.

Regulators may grant permission to sink well and put in pump.	1
How owner may have exclusive use—How kept in repair.	2
Owners may assess two dollars on those using water.	3
No person to use water without paying assessment to owners—No filth to be put near pump.	4
Well abandoned by the original owner may be taken by others—Proceeding in such case.	5

Registry of owners of wells to be kept—Clerk to furnish a copy of the registry under seal.

6

Pumps in public square to be under care of town council—May assess the sum of one dollar on families for use of water.

7

AN ORDINANCE

Respecting pumps in the streets of the borough.

Passed 11th January, 1841.

SECTION 1. *Be it enacted and ordained by the town council of the borough of Carlisle, and it is hereby enacted and ordained by the authority of the same,* That when any inhabitant or inhabitants of said borough shall agree to sink a well and place a pump therein, in front of a lot belonging to them or any of them, and to keep it in repair, it shall be the duty of the regulators, or any two of them, to grant permission to sink such well, and place a pump in such place between the foot way and the street, as to the said regulators shall seem right and proper.

SECT. 2. The inhabitant or inhabitants so sinking a well and placing a pump therein, having their application entered with their names in the books of the corporation, and the person or person so registered, or those claiming under them, and having their names entered as their representatives, shall possess and enjoy the exclusive use of said well and pump, except in case of fire, when it shall be for the public benefit. They shall also keep the said pump in repair, so that the same may be used and enjoyed by the inhabitants paying for the same as is hereinafter provided; and also that the same shall not be an impediment to the street or footway in consequence of the want of such repair, under the penalty of *One Dollar* for every forty-eight hours that the same shall be so out of repair.

SECT. 3. It shall be lawful for the owner or owners of said pump or pumps, whose names shall be registered as aforesaid, and those claiming under them, to assess the sum of two dollars per year on each and every innkeeper, and one dollar per year on each and every housekeeper using the water of said well or pump, from which no deduction shall be made nor any penalty incurred in consequence of such person or persons being deprived of the use of said well or pump during the time necessary to repair the same.

SECT. 4. If any person or persons shall use the water from said well or pump without the consent of the owner or owners

thereof (whose names shall be registered as aforesaid,) or without having paid in advance the sum assessed as aforesaid, or shall at any time wash clothes, clean fish, or do any other thing at or near said well or pump, so as to occasion filth, or any unpleasant smell, such person or persons so offending, or the head of the family to which such person or persons belong, shall forfeit and pay for every such offence a fine of *Three Dollars*, one half to the use of the corporation, and the other half to the owners of said well or pump, to be recovered before any justice of the peace of the borough, as debts of like amount are recoverable by law. [*Sup. to Charter, Ante 32.*]

SECT. 5. When any well has heretofore been sunk in front of a lot on any of the streets or footways of said borough, and which has been abandoned by the original owners of the same, it shall be lawful for any two or more of the owners of lots within one hundred yards of said well, to have their names registered in the books of the corporation as owners, and the said owners of lots so as aforesaid registered, and those claiming under them, shall have the use of said well in the same manner, and with the same rights and liabilities, as is provided for original owners in the second section of this ordinance.

SECT. 6. It shall be the duty of the clerk to council to make and keep a registry of the owner or owners of all such wells and pumps hereinbefore mentioned, and on application of any two or more owners as aforesaid, to furnish a copy of said registry, under the seal of the corporation; he receiving for such copy the sum of fifty cents as a compensation for his trouble.

SECT. 7. The pumps in the public square shall be under the care and superintendence of the town council, and they are authorized to levy the sum of one dollar upon the head of every family making use of said water (to be collected by the high constable,) for the purpose of keeping the same in repair; and any person using the water of said pump or pumps without having first paid the said sum in advance, such person shall forfeit and pay to the use of the corporation the sum of *Three Dollars*, which shall be recovered before any justice of the peace. [*Sup. to Charter, Ante 32.*]

BOROUGH OFFICERS.

Clerk, regulators and door-keeper, when appointed.	1
Duty of the clerk.	2
Duty of the regulators.	3
Duty of the door-keeper.	4
All town officers to be sworn or affirmed—Salaries.	5

AN ORDINANCE

Relative to borough officers.

Passed 11th January, 1841.

SECTION 1. It shall be the duty of the town council annually when they appoint other borough officers, to appoint a clerk to council, three regulators and surveyors of the borough, and a door keeper of the town hall.

SECT. 2. The clerk to council shall keep a record of the proceedings of council, attest all checks drawn on the treasurer of the borough, and perform such other duties as the said council may from time to time direct.

SECT. 3. The regulators shall keep a record of every regulation, survey or other official act by them done, in a book kept for that purpose, furnished at the expense of the borough, and one days personal notice shall be given to said regulators previous to the time appointed for the performance of any duty required of them.

SECT. 4. The door keeper shall take charge of the town hall, and keep the same clean and in good order ; provide fire wood and candles necessary for the same at the expense of the borough; open and prepare the hall for all meetings of council and of fire companies, and ring the bell for all such meetings; and for the neglect of any of said duties, he shall pay a fine of *One Dollar* for the use of the corporation. It shall also be his duty immediately on an alarm of fire, to repair to said hall and ring the bell during such alarm, under pain of forfeiting a penalty of *Twenty Dollars* for the use aforesaid.

SECT. 5. All town officers appointed under the charter or ordinances of the borough, shall, before they enter on the duties of their respective offices, be sworn or affirmed before a justice of the peace of the county, to support the constitution of the United States and of this state, and to execute the duties of their respective offices of appointment with fidelity.

The salaries of the officers of the borough shall for the present

year remain as fixed by the existing borough ordinances, and it shall be the duty of the town council at the time when they appoint the said officers, in each and every year to fix their respective salaries for the term of their appointment.

STREETS AND ALLEYS.

A.

Streets and alleys named.	1
Index boards to be put up—Penalty for breaking or defacing the same.	2

B.

Occupiers of lots to have sideways regulated and paved.	1
Uniformity of pavements fixed—Refusal to pave—Duty of street commissioners.	2
Outside pavements to be made---Duty of commissioners.	3
Outside pavements to be cleansed—Public square to be cleansed by street commissioners.	4
Regulators to level and ascertain the height of pavements and curb stones.	5

A.

AN ORDINANCE

For naming the streets and alleys of the borough of Carlisle, and for other purposes.

Passed 11th January, 1841.

SECTION 1. *Be it enacted and ordained by the Town Council of the Borough of Carlisle, and it is hereby enacted and ordained by the authority of the same,* That the streets of the borough shall hereafter be known and designated as follows. The middle or centre street running north and south as HANOVER; the first street west of Hanover as PITT, and the second as WEST; the first street east of Hanover as BEDFORD, and the second as EAST; the middle or centre street running east and west shall be known as HIGH; the first street north of High as LOUTHER, and the second as NORTH; the first street south of High as POMFRET, and the second as SOUTH. That the alley leading from West street to East street between Louther and North streets shall be known as *Locust alley*; the alley leading from west street to the public square between Louther and High streets as *Dickinson*; the alley leading from West street to the public square between High and Pomfret streets as *Church*; the alley leading from the public square to East street between High and Louther streets, as *Mulberry*; the alley leading from the public square to East street between High and Pomfret streets, as *Liberty*; and the alley leading

from West to East streets between Pomfret and South streets, as *Chapel*; and the said names shall hereafter be used in describing them or any of them, in any ordinance or ordinances that may be made respecting them, and the same shall be marked and noted on the plan of the said borough for the use and convenience of the corporation.

SECT. 2. It shall be the duty of the high constable, under the direction of the chief burgess, to cause two index boards to be made, having the name of the street painted thereon, for each of the streets, to wit: High street, Hanover street, Pomfret street, Bedford street, Louthier street, Pitt street, North street, South street, West street and East street, and one of said index boards for each of the said alleys, at the expense of the corporation, and shall cause the same to be put up at some conspicuous corner or corners of each of the said streets and alleys, first having obtained the consent of the owner or owners to whose house the same may be attached, and if any person or persons shall throw down, break, injure or deface any of the said index boards, put up as aforesaid, such person or persons so offending shall forfeit and pay to the use of the corporation a sum not exceeding *Five Dollars*, to be recovered before any justice of the peace of the borough: [*Sup. to Charter, Ante 32.*] *Provided, however*, that the owner of the house to which the same may be attached, may remove it, having first given ten days written notice to the chief burgess of his intention so to do.

B.

AN ORDINANCE

Directing the manner of paving and cleansing the streets.

Passed 30th March, 1841.

SECTION 1. *Be it ordained and enacted by the town council of the borough of Carlisle, and it is hereby ordained and enacted by the authority of the same*, That the owner or occupiers of any lot or lots, bounding on any of the streets, lanes or alleys of said borough, which have been regulated and paved, shall, and they are hereby required within six months after the passage of this ordinance, or within nine months after the part of the street which bounds on his, her or their lot or lots, shall be regulated and paved, to call upon the regulators of said borough, to fix and regulate the foot pavements or side walks, along such lot or lots, and shall cause the same to be well paved with brick, or good and sufficient smooth flags, except such part as may be necessary for the passage of wagons or other vehicles

into said lot or lots, and which said wagon passage shall also be paved in such other sufficient manner as may be directed or approved of by the said regulators.

SECT. 2. The regulation of all pavements shall be uniform throughout the town, as well in breadth and extent, as in elevation and declination, viz : in High and Hanover streets, the foot pavements shall extend into said streets twelve feet ; in all the other streets ten feet ; and in all the alleys three feet, and shall be made with sufficient curb stone, so fixed as to form a gutter or passage to carry off the water ; and every owner or occupier of a lot or part of a lot of ground, neglecting or refusing to make and complete the said foot pavements, or causing the same to be made and completed, in the manner and within the period hereinbefore directed and prescribed, shall forfeit and pay a fine of *Twenty Dollars*, to the use of the corporation ; and the street commissioners, upon such neglect or refusal, shall make and complete the said pavement, or cause the same to be done, at the expense of the borough in the first instance, to be afterwards reimbursed by or recovered from the party so offending or refusing.

SECT. 3. Every owner or occupier of any lot or lots as aforesaid, shall, when necessary, make and finish such sufficient outside pavements as the regulators may direct and approve of ; which said pavements shall extend eight feet in High and Hanover streets, from the curb stone into the street as far as the breadth of said lot or part of a lot may be, and six feet in every other street, and if such be not made within twelve months after the completion of the pavements in the middle of said streets, every person so neglecting shall forfeit and pay a fine of *Ten Dollars* ; and the street commissioners shall proceed in the manner hereinbefore stated, to make and finish the said pavements, the cost of which shall be recovered from the party so offending or refusing.

SECT. 4. It shall be the duty of the owner or occupier of any lot or lots, or parts thereof, situate on the paved streets of the borough, at least twice in every year, that is to say, once in September and once in April, to cause the pavements, outside the curb stones on each side of said streets, to be well scraped and cleaned, each party doing the half of said streets opposite his own lot of ground, as far as the breadth thereof extends, and causing the dirt to be removed within a reasonable period after the same shall have been brought into heaps ; and it shall also be the duty of the owners or occupiers of any lot

or lots in the other streets, to follow and observe the same regulations as soon as the pavements thereof shall be completely made and finished—and every person neglecting or refusing to comply with the regulations aforesaid, or any of them, shall pay a fine of *Five Dollars* for every such offence or default. And it shall likewise be the duty of the street commissioners to employ hands, and cause all pavements which lie within the limits of the public square, to be scraped and cleaned in the manner and at the same periods as mentioned in the first part of this section.

SECT. 5. It shall be the duty of the street regulators, at such times as may be necessary, to level and ascertain the heights as well of the centre pavements as of the curb stones, in the streets and alleys of the borough, and to fix up marks to enable the inhabitants residing in said streets and alleys to make their pavements and curb stones uniform throughout.

PARTY WALLS AND BUILDING FOUNDATIONS.

Duties of regulators and surveyors—No building to be erected until the ground is designated by the regulators.	1
Foundation of party walls to be fixed by regulators in presence of adjoining owners.	2
Depth of foundation walls fixed.	3
Their construction regulated.	4
Reimbursement to first builder.	5
Log or frame building not to be built nearer to the line than nine inches.	6
Penalty for building without survey, or deviating therefrom.	7
Vaults under pavements regulated.	8

AN ORDINANCE

*Respecting party walls and the foundation of buildings.
Passed 30th March, 1841.*

SECTION 1. *Be it ordained and enacted by the town council of the borough of Carlisle, and it is hereby ordained and enacted by the authority of the same,* That it shall be the duty of the regulators or surveyors of said borough, when called on for that purpose by the owner or owners, occupier or occupiers of any lot or lots in said borough, to lay off, ascertain and mark the lines and boundaries of such lot or lots, agreeably to the plan of said borough, and the just rights of all parties interested; and no person or persons shall hereafter build, construct or erect, or cause to be built, constructed or erected, any house or building on any of the streets, lanes or alleys, or adjoining the lot of ground of any other person or persons, before he, she or they shall have his, her or their ground upon which such build_

ing is intended to be erected, designated and marked out by said regulators or surveyors, in the presence of the person or persons owning the adjoining lot of ground, or of such executor, guardian or agent, as may have the care and management of the same, unless in cases of non attendance, where ten days written notice hath been given to him, her or them, by the party so intending to build.

SECT. 2. In case any person or persons intending to build or erect any house or houses, on his, her or their ground, and adjoining the ground of any other person or persons, shall declare and manifest his, her or their intention to construct and make the same wall or walls, of such house or houses to be a party wall or walls between him, her or them, and the person or persons owning the adjoining ground, the person or persons so intending to build, before he, she or they shall commence to break ground in order to prepare the foundation thereof, shall call upon the said regulators or surveyors, to set out and mark the foundation for the same; and the said regulators or surveyors shall lay out the foundations thereof, so that the said party wall or walls shall stand upon and extend over the line the one half of the thickness of such wall or walls: *Provided*, that in no case shall more than twelve inches be occupied by such neighbor's wall. *And provided also*, that the regulators shall not proceed to make any regulation, except in the presence of the owner or owners of the adjoining lot of ground, or of such other person or persons as may have the care and management of the same, unless in cases of non attendance, where ten days written notice hath been proved upon him, her or them, by the party intending to build as aforesaid.

SECT. 3. The foundation of all party walls shall be dug and laid at least seven feet below the surface of the street, if the said street shall have been regulated and pitched by the regulators or surveyors; if not, the said regulators and surveyors shall fix the depth of the said foundation, so that it shall be at least seven feet below the level of the street, where it shall be so regulated and pitched.

SECT. 4. The said party walls shall be constructed and built as follows, to wit: if the whole superstructure shall be built of stone, then from the foundation up to the first floor or tier of joists, the wall shall be two feet in thickness and faced on both sides, and from the first floor or tier of joists, the said wall shall be carried up eighteen inches in thickness, leaving an offset or

scarcement of three inches on each side, to support the first tier of joists ; and if the superstructure shall be built of brick, then from the foundation up to the first floor or tier of joists, the walls shall be built of stone, and built twenty inches in thickness and faced on both sides, and the brick work from the first floor or tier of joists, shall be fourteen inches in thickness at least, leaving an offset or scarcement of three inches on each side for the first tier of joists to rest upon.

SECT. 5. The first builder shall be reimbursed one moiety of the expense or charge of such party wall or walls, or of so much thereof as the next builder shall have occasion to make use of before such next builder shall in any wise use or break into any such wall or walls, and the charge and value thereof shall be ascertained and fixed by the said regulators or surveyors, or a majority of them.

SECT. 6. No person or persons shall hereafter build, construct or erect any house or building of log or frame, nearer to the line of the adjoining lot or ground owned by any other person or persons than nine inches, excepting in case where a stone or brick house or building may have been previously erected on the line of such adjoining lot or lots of ground.

SECT. 7. If any person or persons shall begin or build any party wall or building, before the place be viewed and directed by the said regulators or surveyors, or a majority of them, or otherwise than the same shall have been set out and directed by the said regulators or surveyors, or a majority of them, according to the true intent and meaning of this ordinance, every such person or persons, as well employers as master builders, for every such offence, upon conviction thereof, shall forfeit and pay, to the use of the corporation, the sum of *One Hundred Dollars* ; and shall moreover, in case of any deviation from the direction of the said regulators, pull down and alter such building and foundation, agreeably to his just rights, as the same shall be directed by the said regulators, under the penalty of *Five Hundred Dollars*, to be recovered agreeably to law, for the use of the corporation, and shall moreover be liable to such actions at law as any party injured may have a right to maintain against him, her or them.

SECT. 8. No person or persons shall be permitted to occupy or use any part of the street under the pavement opposite to his, her or their lot, further than the curb stone, by extending into said street any cellar or vault, nor unless the same shall

be secured by a sufficient arch, to be inspected and approved of by the regulators and street commissioners, or a majority of them, and unless also, the same shall be completely closed within the space of two months from the time of breaking ground, under the penalty of *Ten Dollars* for every such offence, and for every continuance, for one week, a further penalty of *Five Dollars*.

FENCES.

Partition fences not to be built without survey by the regulators.	1
Party fences to be built on division line.	2
Occupiers of adjoining lots to build and keep in repair party fences—Proceedings in case of refusal by one.	3

AN ORDINANCE

Relative to Fences.

Passed 30th March, 1841.

SECTION 1. *Be it enacted and ordained by the town council of the borough of Carlisle, and it is hereby enacted and ordained by the authority of the same,* That no person or persons shall make or erect any fence, or rebuild the same when fallen into decay, upon any of the streets, lanes or alleys within the bounds of this borough, or make or erect any party fence, or rebuild the same when decayed, within said limits, on the line between his, her or their lot of ground, and the lot of ground of any other person or persons, before the same shall have been regulated and marked by the regulators of said borough, or a majority of them, to be called upon for that purpose by the person or persons proposing and intending to build and erect such fence (unless when the parties adjoining agree to the partition;) and if any person or persons shall build, erect or rebuild any fence, otherwise than as directed by said regulators, such person or persons so offending, upon due conviction thereof, before any justice of the peace of the borough, shall forfeit and pay to the use of the corporation the sum of *Five Dollars* for every such offence; and shall moreover be obliged to remove the same agreeably to such regulation, or pay a fine of *One Dollar*, to be recovered as aforesaid, for every month the same shall remain unmoved.

SECT. 2. All party fences, made and built of posts and rails, pales or boards, shall be set and fixed upon the line between the owners or occupiers of the adjoining lots; and if the said partition fence shall be made in part of posts and rails, and in part of rails and stakes; such person or persons so making his, her or their part or half of the enclosure, shall set and build the same entirely and wholly on his, her or their ground.

SECT. 3. All party fences shall be made and kept in repair in equal portions by the owners or occupiers of said adjoining lots, and if the owner or occupier of any adjoining lot shall at any time neglect or refuse to build or repair his, her or their part or portion of such party fence, the adjoining party in interest may give notice thereof in writing to the party thus neglecting or refusing to rebuild or repair the said fence, the notice to be one week in the latter case, and three months in the former; which notice shall be served by the high constable; and if such person or persons shall refuse or neglect to rebuild or repair his, her or their part of the said fence, it shall and may be lawful for the party aggrieved, to build or repair the same, and all the cost and expenses which shall accrue in said building or repairing, shall be reimbursed and paid by the party so refusing or neglecting, to the party aggrieved; and said delinquent shall moreover pay a fine of *Ten Dollars* to the use of the corporation for every refusal, neglect or omission to comply with any of the provisions or directions herein expressed.

PATROL.

Burgesses to procure alphabetical lists, and appoint patrol.	1
Police to report to Burgesses.	2
Members to be notified of appointment.—Neglect to serve.	3

AN ORDINANCE

To establish a patrol.

Passed 30th March, 1841.

SECTION 1. *Be it enacted and ordained by the Town Council of the Borough of Carlisle, and it is hereby enacted and ordained by the authority of the same,* That it shall be the duty of the burgesses to procure alphabetical lists of the free male inhabitants above the age of twenty-one years, to be made out by the town clerk, and from such list the said burgesses (or either of them in the absence of the other) shall select, as often as may be necessary, a sufficient number of suitable persons to patrol the streets of the borough, from the hour of ten in the evening, until the hour of four in the morning; and the board of police thus constituted, are hereby empowered and required to arrest all suspicious and disorderly persons wandering or vagrant in the streets, between the aforesaid hours, and to commit the same to the jail of the county for judicial examination.

SECT. 2. The board of police shall report to the burgesses or either of them, the occurrences of the night, with the name of

the owner or occupier of any public or private house kept open at unreasonable hours, for the entertainment of idle, irregular and disorderly persons, and the said burgesses are hereby enjoined to take all legal and effectual means for the suppression of such houses and the punishment of the offenders.

SECT. 3. The burgesses or either of them shall cause the members of the board of police to be duly notified of their appointment, and every person so notified, neglecting to attend and perform his duty, or procuring a sufficient substitute, shall for every such default, pay a fine of *Two Dollars* for the use of the corporation, unless he can render to the burgesses a satisfactory reason why he should be exonerated.

FIRE COMPANIES.

Annual appropriation to be made.

1

Treasurers of companies to exhibit statement to council.

2

AN ORDINANCE

Making an annual appropriation to the fire companies.

Passed 30th March, 1841.

SECTION 1. The president of the town council shall on the second Saturday of October, in each and every year, draw his warrant on the treasurer of the borough, in favor of the respective treasurers of the Union and Cumberland Fire Companies, for the sum of thirty-four dollars each.

SECT. 2. It shall be the duty of the treasurers of said companies, on the second Saturday in October of each and every year, to exhibit to the town council a statement, showing in what manner the appropriation of the preceding year has been expended, under the penalty of forfeiting the appropriation of the ensuing year.

AN ORDINANCE

Repealing former ordinances.

Passed 30th March, 1841.

All ordinances passed by the authorities of this borough, previous to the 13th day of November, one thousand eight hundred and forty, be and the same are hereby repealed.

 By mistake of the engraver, some of the letters and figures, used in the "Original Plan," to designate the courses and distances of the boundary lines, have been disarranged. They should all be placed so as to indicate that the survey was made with the area to the right. The same error is found on the dividing line of E. and F.

16.

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